

war, and for other purposes; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 18666) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia, to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 18667) granting a pension to Hannah Stoudnaur; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18668) granting a pension to Carrie Russell; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 18669) granting an increase of pension to William Burnett; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18670) for the relief of Michael Houlihan; to the Committee on Military Affairs.

Also, a bill (H. R. 18671) granting an honorable discharge to James Crowley, late of the United States Navy; to the Committee on Naval Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 18672) granting an increase of pension to Elizabeth W. Glidden; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 18673) granting an increase of pension to Zuleima B. Jackson; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 18674) granting a pension to Sarah Foster; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 18675) granting a pension to Annie Hoover; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of R. C. Frampton, of Pittsburgh, Pa., protesting against the passage of House bill 17365, relative to use of mails by insurance companies; to the Committee on the Post Office and Post Roads.

By Mr. BORCHERS: Petitions of sundry citizens of Sullivan, Ill., relative to due credit to Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

Also, petition of 40 citizens of Dewey, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Farmers' Cooperative Association of South Dakota, favoring the passage of House joint resolution 311, "Steadying the world's price of staples"; to the Committee on Foreign Affairs.

By Mr. FLOOD of Virginia: Petition of sundry citizens of Appomattox County, Va., favoring enactment of personal rural credit bill; to the Committee on Banking and Currency.

By Mr. GREEN of Iowa: Petition of the Greater Davenport Committee, asking for a discontinuance of the present session of Congress; to the Committee on the Judiciary.

By Mr. HAMILL: Petition of the New Jersey State Federation of Labor, protesting against national prohibition; to the Committee on Rules.

Also, petition of the New Jersey State Federation of Labor, relative to Government contract for printing of corner-card envelopes; to the Committee on Printing.

By Mr. KENNEDY of Connecticut: Memorial of the Hartford (Conn.) Central Labor Union, favoring an investigation by the Department of Justice into the high cost of living; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petition of the Cigar Manufacturers' Association of New Haven, Conn., protesting against increase of tax on cigars; to the Committee on Ways and Means.

Also, petition of the Hartford Central Labor Union, urging relief from high cost of living; to the Committee on the Judiciary.

By Mr. WATSON: Petitions of sundry citizens of Dinwiddie County, Va., favoring investigation of bill relating to personal rural credit; to the Committee on Banking and Currency.

By Mr. WILLIS: Petition of P. C. Ries and 250 other citizens of Hardin County, Ohio, in favor of House joint resolution 282, relative to polar explorations; to the Committee on Naval Affairs.

SENATE.

SATURDAY, September 5, 1914.

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, for those influences that draw our hearts to Thee. We thank Thee for those great principles which Thou hast implanted in the thought of mankind—for the consciousness of a Supreme Being, for that feeling of dependence upon this higher power, and for the longing of the soul after God. May we cherish these instincts of our nature and not pervert their divine purpose. May we be wise in our generation and seek our peace and safety and prosperity in harmony with Thy righteous laws. May our deliberations this day reflect the honor of Thy name to the credit of Thy servants and of the great country which they represent. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 25, 1914, when, on request of Mr. MARTINE of New Jersey and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE NAUTICAL ALMANAC.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to a resolution of July 17, 1914, information in regard to the Nautical Almanac. The communication is in response to a resolution introduced by the Senator from Washington. The Chair would inquire what the Senator desires to have done with the communication?

Mr. JONES. I do not know what is the rule in reference to printing such documents. I think probably it would be well to send it to the Committee on Appropriations.

Mr. SMOOT. Without printing?

Mr. JONES. Yes; without printing. It may not be necessary to print it.

The VICE PRESIDENT. The communication and accompanying papers will go to the Committee on Appropriations.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, so that we may have morning business attended to and not be broken into every half hour when some one is making a speech, I suggest the absence of a quorum, and I shall state that when we do get a quorum I shall object to any further morning business being received after the morning hour has closed during the balance of the day.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Newlands	Smoot
Brady	Gallinger	Norris	Stone
Bryan	Jones	Perkins	Swanson
Burton	Kenyon	Pittman	Thomas
Chamberlain	Kern	Poinsett	Thompson
Chilton	Lea, Tenn.	Ransdell	Thornton
Clapp	McCumber	Sheppard	Townsend
Cole	Martin, Va.	Shields	Vardaman
Cummins	Martine, N. J.	Shively	Walsh
Dillingham	Myers	Simmons	White
Fall	Nelson	Smith, Ga.	Williams

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. DILLINGHAM. I wish to announce that my colleague [Mr. PAGE] is still detained on account of illness in his family.

Mr. GALLINGER. I wish to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] and also the unavoidable absence of the junior Senator from West Virginia [Mr. GOFF], who is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. STONE. I desire to state that my colleague [Mr. REED] was called from the Senate yesterday and will be absent to-day. It is on a matter of importance.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. POMERENE answered to his name when called.

Mr. BANKHEAD, Mr. HOLLIS, and Mr. LANE entered the Chamber and answered to their names.

Mr. HOLLIS. I desire to announce that the Senator from Maine [Mr. JOHNSON] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. GRONNA]. I will let this announcement stand for the day.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given, and request the attendance of absent Senators.

Mr. CRAWFORD entered the Chamber and answered to his name.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from Kentucky [Mr. CAMDEN].

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 4517) to establish a standard box for apples, and for other purposes.

The message also announced that the House had passed the following bills:

S. 1171. An act for the relief of Samuel Henson; and

S. 1270. An act for the relief of Edward William Bailey.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4630. An act for the relief of Fred A. Emerson;

H. R. 7553. An act for the relief of the estate of Moses M. Bane;

H. R. 9092. An act for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased;

H. R. 10122. An act to credit Samuel M. Fitch, collector of internal revenue, first district of Illinois, on the books of the Treasury Department with the sum of \$1,500 for cigar stamps lost or stolen in transit; and

H. J. Res. 334. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914.

ROCKEFELLER FOUNDATION AND GENERAL EDUCATION BOARD.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, stating, in response to a resolution of the 5th ultimo, that the Treasury Department has no relation with the general education board of either the Rockefeller Foundation or the Carnegie Foundation, and that Dr. Charles W. Stiles, professor of zoology in the Hygienic Laboratory, Public Health Service, has been serving in an advisory capacity on the Rockefeller sanitary commission, which was ordered to lie on the table.

PUBLIC UTILITIES COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Public Utilities Commission of the District of Columbia, stating, pursuant to law, that such balance sheets as were not previously submitted to the Speaker of the House of Representatives under date of February 2, 1914, have been submitted under date of September 2, 1914, together with a letter of explanation, which was referred to the Committee on the District of Columbia.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The cause of Henry W. Peddicord v. United States (S. Doc. No. 575); and

The cause of the heirs of James M. Catlett, deceased, v. United States (S. Doc. No. 574).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Woodhull, Ill.; Burlington, Wis.; Wichita, Kans.; Louisiana, Mo.; Wheeling, W. Va.; and Greenfield, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a letter in the form of a petition from the American Importers' Association, of New York City, expressing its appreciation of the efforts being made by the President and

the Congress to facilitate the movement of the importation of European goods to this country, which was referred to the Committee on Finance.

Mr. SHEPPARD. I present a resolution adopted by the Legislature of the State of Texas, which I ask may be read and referred to the Committee on Military Affairs.

There being no objection, the resolution was read and referred to the Committee on Military Affairs, as follows:

Whereas bills are now pending before the Interstate Commerce Committee of the National House of Representatives and before the Public Health Committee of the Senate of the United States, which contemplate the conversion of military or other reservations no longer used by the Federal Government into sanatoria and hospitals for the care of some of the indigent stranger consumptives who come to the Southwest in large numbers; and

Whereas it is desired to secure an early and favorable committee report upon these bills so that they may be considered at the present session of Congress: Therefore be it

Resolved, That the Texas congressional delegation is hereby requested to use every effort to secure a favorable committee report upon these bills at the earliest possible moment; and be it further

Resolved, That the Secretary of the Senate is hereby instructed to send a copy of this resolution to all Texas Senators and Congressmen.

The above resolution was offered in the senate by Senator McGregor and passed August 27, 1914.

W. V. HOWERTON,
Secretary of the Senate.

Mr. DILLINGHAM presented petitions of sundry citizens of West Berkshire and Essex Junction, in the State of Vermont, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

RAILROAD SECURITIES.

Mr. CLAPP. On behalf of the junior Senator from North Dakota [Mr. GRONNA] I ask that the following letter and accompanying paper be inserted in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MCVILLE, N. DAK., August 20, 1914.

HON. A. J. GRONNA, Washington, D. C.

DEAR MR. GRONNA: I inclose herewith a special letter of importance which I and many others in this locality have received. Those whom I have talked with seem to think this a sort of an insult, and we suggest that you fight this proposition as far as possible. Would also be pleased to know of you making an answer to this letter.

Thrashing just commenced, but yield will be light. Everything quiet politically, business very good, and nice weather.

Thanking you for a reply at your convenience,

C. H. SIMPSON.

[From the Bache Review. A summary of the general financial and business situation. Published every week by J. S. Bache & Co., members New York Stock Exchange. New York, August 17, 1914.]

SPECIAL LETTER—IMPORTANT.

To the officers of banking institutions in the United States:

The European war makes it urgently necessary to protect our security holders by an emergency measure which will benefit every citizen of the United States directly and indirectly.

The bankers of the country have the greatest influence with their Congressmen and constituents. This letter is being sent to over 32,000 bankers throughout the United States. We would like to address each one individually, but the short time before Congress adjourns makes it impossible to do this. Consequently we trust that each one will consider the letter personal, and that we may receive a prompt reply.

NEW YORK, August 17, 1914.

DEAR SIRS: Owing to the great European war, our financial situation is under an emergency pressure, because threatened by the unloading of railroad securities held by Europe. This was only temporarily halted by the closing of public markets.

Our securities are in disfavor because of low railroad earnings.

They should at once be made attractive to capital all over the world. This can not be done unless our railroad securities are given a safe margin of earnings. The value of all other securities depends upon the success of the railroads.

The railroads have proved and the Interstate Commerce Commission has admitted the necessity of enlarged revenues, but the rate decision grants only a meager and insufficient pittance—not more than enough to increase earnings one-eighth of 1 per cent on the total capital of the eastern railroads which made the application.

This small advance will have no effect in restoring and establishing the confidence of the large investors here and the holders of our securities abroad.

These securities will be sent over as soon as possible to do so, to draw our gold or its equivalent, and they will not be taken up freely by our own large investors, because they have not sufficient confidence in the success of the railroads under the present scale of low freights. Rates need to be advanced materially in order to give such a margin of earnings that railroad securities will be sought.

Further than that, the credit system of the world has been upset. We have lost Europe as our bankers. We not only can not hope to place new securities in Europe, we are compelled to take back vast quantities of existing securities which for many years Europe has been absorbing. Every year our railroad systems have to spend enormous sums to increase and extend their transportation facilities to meet the growing demands of American commerce. Where are the railroads to obtain the money with which to make the needed additions and improvements?

They can not turn to Europe. American investors are not attracted under present conditions. They will have to look to their earnings until the confidence of investors is restored. A liberal increase in earnings is absolutely necessary to keep up requirements of the transportation systems of the country.

Needed, raises will start all the business of the country toward a prosperous level, because of the confident buying of railroad securities which will then take place and because of the heavy purchases which the railroads will then be able to make, but can not make now because of lack of funds and credit.

This is now a national question, and relief should be given to the railroads immediately, in view of the emergency necessity.

We therefore earnestly suggest that you bring this matter at once to the attention of your Representatives in Congress, and, if you agree with us, urging them to favor the passing of a joint and concurrent resolution of the House and Senate directed to the Interstate Commerce Commission, requesting it, because of the emergency situation with reference to railroad securities, to review and revise the decision in the recent application of the eastern railroads, and in their discretion and in view of the great and extraordinary necessity for this action, to promptly grant further and adequate advances to all the railroads.

No financial move could be more beneficial now than to make our securities so attractive that the funds of the investing world would be irresistibly drawn to this country.

This would be accomplished if the railroads were given full and ample earning power. It would stimulate the whole industrial structure and enhance the values of all other securities. It would benefit every citizen of the United States by creating renewed and profitable activity.

Will you give this matter your earnest attention and will you kindly let us know if you agree and will act?

If you approve, please ask some of your larger shippers also to write or telegraph to Washington.

We are, awaiting your reply,

Very truly, yours,

J. S. BACHE & Co.

For your convenience in framing letter to your Representatives in Congress, we give below a condensation of some of the foregoing:

"The railroads of the country are in poverty-stricken condition and confidence in their securities is greatly weakened. These securities will be thrown upon this country's markets by European holders as soon as possible, drawing our gold away from us.

"This was temporarily halted only by the closing of the public markets.

"The decision of the Interstate Commerce Commission grants only, in effect, one-eighth of 1 per cent increase in earnings on the capital of all the eastern roads which made the application for an advance. This will do no good.

"The railroads can not now place any securities in Europe, which for years has been absorbing them. They can not place new issues here. Where are the railroads to get money—large sums needed for improvements and additions? They will have to depend upon earnings. To keep pace with future requirements, earnings will have to be increased.

"If good increases in freight rates are allowed promptly, the railroads will almost immediately become prosperous and their securities become desirable and attractive both to our own and to foreign investors.

"Railroad prosperity will stimulate business all through our section.

"Will you not use your influence to bring about the passage of a joint and concurrent resolution of the House and Senate because of the emergency situation with reference to railroad securities, to review and revise the decision in the recent application of the eastern railroads, and, in their discretion and in view of the great and extraordinary necessity for this action, to promptly grant further and adequate advances to all the railroads?"

RAILROAD FREIGHT RATES.

Mr. THOMPSON. Mr. President, I desire to call attention to the exorbitant freight rate charges on farm products and live stock at my home town, Garden City, Kans.

Garden City is one of the principal alfalfa seed and alfalfa hay shipping points in the United States. We have shipped carloads of alfalfa seed all over the country, and carloads of baled alfalfa hay to all of the neighboring States, but exorbitant railroad freight rates have unduly limited our market for hay. Recently there has been a demand for about 50 or 60 carloads of Garden City baled alfalfa hay at Roanoke, Va. Although only about 1,500 miles distant, the freight is more than the real value of the product, which makes shipments to this point absolutely prohibitive unless the Virginia farmers wish to pay \$25 or \$30 a ton for the hay. The Kansas farmer realizes from \$6 to \$10 per ton for this hay, and the freight rate alone from Garden City to Roanoke is \$12.20 per ton, nearly twice the original value of the product. This situation, in my judgment, is unjustified and an unwarranted discrimination against my friends and neighbors.

I have a copy of a letter to the Interstate Commerce Commission written by Mr. George W. Finnup, one of the leading business men of Garden City, and, indeed, one of the leading citizens of Kansas, he having been mentioned as suitable Democratic material for governor of our State. This letter gives the facts more in detail, and I ask, Mr. President, that it may be made a part of the Record.

Mr. President, I will say in this connection if some action is not taken by the Interstate Commerce Commission in line with the suggestions of Mr. Finnup, I shall feel obliged to introduce a resolution in the Senate demanding action, as the people of my community will not stand idly by and permit discrimination of this character to continue. There is no good reason why the freight rates between the people of any of the States of the Union on farm products, and especially on the necessary food

products, should amount to more than the value of the product.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GARDEN CITY, KANS., August 20, 1914.

INTERSTATE COMMERCE COMMISSION.

Washington, D. C.

GENTLEMEN: We are largely an agricultural country here, so that the transportation question is one that means a great deal to the people.

We have a chance to sell 50 or 60 carloads of baled alfalfa hay, shipping it from Garden City, Kans., to Roanoke, Va., being a distance of about 1,500 miles, but the freight charge is, in carload lots, \$12.20 per ton, which is some freight, and is about twice as much as the farmer gets here for the hay after raising it, cutting it, putting it up, and hauling it to town and loading it; but the party tells me that he has made inquiry at both ends and this seems to be the best rate we can get. It looks like this was entirely too much for moving a common product, like baled alfalfa, this distance, and on which the railroads have scarcely any responsibility of loss in carrying.

Mr. Frank Reed has shipped 15 carloads of horses from here to that point since January 1, and the freight cost \$240 a car. Sometimes he ships by freight from here to Topeka, which is \$59 a car, and then by express from there to Roanoke, which costs \$350 more, or \$409 a car. If he wants to express them from here to Topeka, they only want \$240 a car a distance of about 350 miles of level prairie country, because they have no competition from here to Topeka, and that would make a car cost from here to Roanoke by express \$590, which eats up the value of the horses pretty fast. Now, the railroads can spend a lot of money to show why they ought to have an increase in rates, and it is your place to show where there ought to be some decreases as we go along.

I trust this and other reports of this kind receive the attention that it merits.

Yours, very truly,

GEO. W. FINNUP.

TAX ON PROPRIETARY MEDICINES.

Mr. MARTINE of New Jersey. I have received a telegram in the nature of a memorial from the Vapo Cresolene Co., an organization in my State, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CHATHAM, N. J., September 4, 1914.

HON. JAMES E. MARTINE,

United States Senate, Washington, D. C.:

We see by the press that it is the intention of the administration to put a war tax upon proprietary medicines. We earnestly protest against any such action. It is not fair to tax our people for their medicines. This is hitting a man when he is down. If proprietary medicines are to be taxed, doctors' prescriptions should also be taxed. We have already collected money twice for this Government on war tax, and it is time other branches of trade were used for this unpleasant and damaging job.

THE VAPOR CRESOLENE CO.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. KENYON. In the nature of what I take to be a petition for the volunteer officers' bill, now pending, I ask to have read and printed in the RECORD a very short article from the Washington Post. It will require but two or three minutes to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WAR OFFICERS DIE FAST—FEWER THAN 8,000 WHO SERVED IN CIVIL CONFLICT NOW LIVING—FACTS HAVE CAUSED BILL TO CREATE VOLUNTEER RETIREMENT ROLL TO BE FAVORABLY CONSIDERED.

Legislation now pending in Congress which creates a volunteer officers' retirement roll is being more favorably considered, since it is discovered that the number of those now living is less than one-third of the number supposed to be beneficiaries, should Congress act.

April 1, 1910, the Pension Office officially reported 21,995 officers on the pension roll. The pension report for June 30, 1913, shows that 13,159 officers died between June 30, 1910, and June 30, 1913.

By deducting 13,159 from the number reported April 1, 1910, the number is reduced to 8,836. Many have died since June 30, 1913, by which this number will be reduced. This is further confirmed by a recent test in the Pensions Bureau. An average set of the files was taken and 3,275 cards drawn. Of these it was found that 61 had been officers. This would make about 1 officer to 54 men. There are now about 425,000 pensioners on the roll. Dividing this number by 54 makes 7,870, which is in all probability very near the exact number of living officers.

The official investigation made by Congress, by the Loyal Legion, and other soldier organizations confirms these last figures—7,870. Only a few years remain to this remnant of the great army of which they were a part. The average age of these officers is 81.27. The actuarial give four and one-half years as the possible period for these old men.

Mr. TOWNSEND. Mr. President, I am very glad the junior Senator from Iowa [Mr. KENYON] has again called the attention of the Senate to this matter. It is understood by all of the Senators that a few, at least, of the Senators have for many months endeavored to get action on this bill. There can be no bill, measured by its intrinsic worth, that is of more pressing necessity to its beneficiaries than is this bill. The friends of the measure have been led to believe—and, I think, properly so—that a majority of the Senate is in favor of the measure, and that all that would be required to insure its passage would be an opportunity to get an expression of the opinion of the Senate upon it. I sincerely hope that some

arrangement can be made whereby we can come to a vote upon the bill.

I have been encouraged by expressions from the leader of the majority that this matter would be taken into consideration in case anything like a legislative program was agreed upon. I have consented on various occasions not to press the matter for a vote because of the pending measures which were deemed of greater importance, but it seems to me we have reached a point when we can not very well be condemned if we refuse to be put off by excuses such as have maintained in the past.

I dislike very much at this time, or at any time, to move to take up a bill when other matters are being pressed for consideration, and especially when some of its friends have asked me to desist; but I repeat, Mr. President, that unless we can come to some arrangement whereby we can devote, say, a day or a night, if Senators will agree to come here and discuss this bill for some evening and then will come, I shall be content not to have it interfere with any other legislation pending in the Senate; but something ought to be done about it, and I propose, so far as within me lies, to press this matter for a vote, or at least for fair consideration.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Michigan that it has been a very common thing for us to make a bill a special order for a certain day, looking into the future. I think if the Senator would ask that this bill be made a special order for some day next week it might be agreed to. It will not displace any other matter then, but will only give this bill a day in court, to which it certainly is entitled.

Mr. TOWNSEND. Mr. President, acting upon the suggestion of the Senator from New Hampshire, I ask that Senate bill 392, known as the volunteer officers' bill, be made a special order for one week from next Monday.

Mr. SIMMONS. Mr. President, I do not know that personally I have any objection to that, if it were made subject to the unfinished business. I do not wish to consent at this time to anything that would displace the unfinished business. I would be very glad if the Senator from Michigan would withhold his motion for the present. I am not prepared now to decide as to whether or not I shall consent to it.

Mr. TOWNSEND. I will modify my request and ask that the bill shall be subject to whatever unfinished business may be before the Senate at that time.

Mr. LEA of Tennessee. Will the Senator from North Carolina yield to me a moment?

Mr. SIMMONS. Yes.

Mr. LEA of Tennessee. I hope the Senator from North Carolina will not interpose an objection to the request of the Senator from Michigan. I do not know whether or not I shall vote for the bill which the Senator asks to have made a special order, but I think he is entitled to have the matter brought before the Senate and determined one way or the other. I feel that it will expedite matters if his request is granted.

Mr. SIMMONS. The Senator from Tennessee must not understand me as objecting, providing the Senator's request does not interfere with the present unfinished business or any other bill that may have been made the unfinished business.

Mr. LEA of Tennessee. I think that is reasonable; and I hope the request of the Senator from Michigan will be put in that form.

Mr. TOWNSEND. I ask unanimous consent that the bill may be made a special order for one week from next Monday.

Mr. WILLIAMS. I object, Mr. President.

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. TOWNSEND. I do.

Mr. LEWIS. If the Senator from Michigan will make a motion, I will address myself to the motion.

Mr. TOWNSEND. I presume the only way I could get the bill up would be to move its present consideration, but I am convinced that such a motion would fail at this time.

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Michigan, that he can move to make the bill a special order for any day and any hour he chooses; but it will take a two-thirds vote to do so.

Mr. TOWNSEND. Well, Mr. President, I move that this bill be made a special order for one week from next Monday, immediately after the conclusion of the morning business.

Mr. LEWIS. Mr. President—

Mr. BRYAN. A parliamentary inquiry, Mr. President. If the motion of the Senator from Michigan [Mr. Townsend] is agreed to, then what status will the bill have on the date and after the date when he proposes it shall be made a special order?

The VICE PRESIDENT. The bill will come up for consideration on that date, in accordance with Rule X. The rule is very plain. It provides:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the presiding officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

It will be remembered that once at this session the Senate very reluctantly voted to sustain the Presiding Officer when the Presiding Officer held that a special order continued from day to day at the hour for which it was made a special order, unless displaced by a subsequent motion or otherwise disposed of.

Mr. BRYAN. That was the reason I propounded the inquiry, Mr. President; in other words, if the motion of the Senator from Michigan [Mr. Townsend] prevails, this bill on each succeeding day at the hour for which it is made the special order will be taken up by the Senate?

Mr. GALLINGER. Unless it is displaced.

The VICE PRESIDENT. Unless it is displaced by a motion to take up some other measure.

Mr. TOWNSEND. I desire to modify my motion to fix the hour at 1 o'clock instead of using the term "after the conclusion of morning business."

Mr. BRYAN and Mr. LEWIS addressed the Chair.

The VICE PRESIDENT. The Senator from Florida.

Mr. BRYAN. Mr. President, is the motion of the Senator from Michigan in order at this time, routine morning business not having been completed?

The VICE PRESIDENT. Morning business has not been completed.

Mr. BRYAN. And the Senator's motion would require unanimous consent to be put?

The VICE PRESIDENT. If the point of order is made, and if there is a call for the regular order, the regular order must proceed.

Mr. BRYAN. I call for the regular order, Mr. President.

The VICE PRESIDENT. The motion of the Senator from Michigan, then, is not in order at the present time. If there are no further petitions or memorials, reports of committees are next in order.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (H. R. 6432) to relocate the headquarters of the customs district of Florida, reported it without amendment and submitted a report (No. 780) thereon.

Mr. LEA of Tennessee, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 10763) for the relief of Dr. L. W. Culbreath, reported it without amendment and submitted a report (No. 781) thereon.

NATIONAL ENCAMPMENT, GRAND ARMY OF THE REPUBLIC.

Mr. FLETCHER. From the Committee on Printing I report back favorably with amendments the concurrent resolution (H. Con. Res. 42) providing for printing as a House document the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic. As the Grand Army of the Republic is now in session, they would probably like to know whether these proceedings will be printed by Congress; and I ask unanimous consent for the present consideration of the concurrent resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments are, in line 3, after the word "thousand," to strike out "one" and insert "five"; in line 5, to strike out "\$1,600" and insert "\$1,700"; in line 5, after the word "cost," insert "with illustrations, 1,000 copies of which shall be for the use of the House and 500 copies for the Senate."

So as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document 1,500 copies of the Journal of the Forty-eighth National Encampment of the Grand Army of the Republic for the year 1914, not to exceed \$1,700 in cost, with illustrations, 1,000 copies of which shall be for the use of the House and 500 copies for the use of the Senate.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

RAILWAY MAIL PAY.

Mr. FLETCHER. A week ago the Senator from Alabama [Mr. BANKHEAD] presented the report of the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mail, and it was referred to the Committee on Printing for action. I am directed by the Committee on

Printing to report a resolution providing for the printing of the report.

The VICE PRESIDENT. The resolution will be read.

The resolution, S. Res. 450, was read, as follows:

Resolved, That the report of the Joint Committee on Postage on Second-Class Mail Matter and Compensation for the Transportation of Mail, entitled "Railway Mail Pay," be printed as a Senate document and that 10,000 additional copies be printed for the use of the Senate folding room.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the resolution. It is an important matter, and we are waiting on it and have been for several days.

The VICE PRESIDENT. Is there any objection?

The resolution was considered by unanimous consent and agreed to.

RURAL CREDITS IN IRELAND.

Mr. FLETCHER. From the Committee on Printing I report a resolution authorizing the printing of the manuscript entitled "Rural Credits in Ireland," by Hon. Wesley Frost, United States consul at Queenstown.

The resolution, S. Res. 451, was read, as follows:

Resolved, That the manuscript entitled "Rural Credits in Ireland," by Hon. Wesley Frost, United States consul at Queenstown, be printed as a Senate document.

The VICE PRESIDENT. The resolution will be placed on the calendar.

CONSUMPTION OF COTTONSEED MEAL.

Mr. SHEPPARD. From the Committee on Agriculture and Forestry I report back favorably, without amendment, the concurrent resolution (S. Con. Res. 33) to provide a wider domestic market for cottonseed meal and cake, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Let the resolution be read.

The Secretary read the concurrent resolution, as follows:

Whereas about 500,000 tons of cottonseed meal and cake have heretofore been annually exported from the United States; and
Whereas by reason of war conditions this surplus is without a market abroad, the surplus equalling about one-third of the total output; and
Whereas the dumping of this surplus on existing domestic markets will depress the price of this article both as to raw material and finished product to such an extent as to cause disastrous losses to farmers producing the raw material: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized and requested immediately to investigate the possibility of wider domestic markets for these products, especially in the northwest, northern, and northeast sections of the United States, and to report to Congress at the earliest practicable date a plan for acquainting these sections with the value and availability of these products as a feed for domestic animals, and for the marketing in these sections of the surplus of these products heretofore exported.

Mr. GALLINGER. Mr. President, that strikes me as being a very extraordinary resolution. If we are going—

Mr. SHEPPARD. I will ask that the concurrent resolution go to the calendar. I did not anticipate that it would lead to any debate.

The VICE PRESIDENT. The concurrent resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD (by request):

A bill (S. 6447) relating to special policemen in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SMOOT (for Mr. STEPHENSON):

A bill (S. 6448) for the relief of Mary Lyons; to the Committee on Claims.

A bill (S. 6449) for the relief of Joseph Vermilyea; to the Committee on Military Affairs.

A bill (S. 6450) granting a pension to Peter Peterson;

A bill (S. 6451) granting a pension to John Willard Burns (with accompanying papers);

A bill (S. 6452) granting an increase of pension to Lydia Irene Cheney (with accompanying papers); and

A bill (S. 6453) granting a pension to Mary Ann Stolcolp (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6454) to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Expositions.

By Mr. NORRIS:

A bill (S. 6455) admitting to citizenship and fully naturalizing Edward D. Cohota, of Valentine, Nebr.; to the Committee on Immigration.

By Mr. McLEAN:

A bill (S. 6456) granting an increase of pension to Martha E. Messenger (with accompanying papers); to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 6457) for the relief of the city of Knoxville, Tenn.; to the Committee on Claims.

By Mr. JONES:

A bill (S. 6458) granting a pension to Catherine N. Burlingame; and

A bill (S. 6459) granting an increase of pension to Sarah M. Hicks (with accompanying papers); to the Committee on Pensions.

LOANS FOR HOME BUILDING.

Mr. JONES. I desire to introduce a short bill, which I will read, and then I wish to take about three minutes of the time of the Senate to make a statement with reference to it. This is a bill which I have intended for three or four days to introduce, but on account of the recesses of the Senate I have not had an opportunity to do so. I will read it:

Be it enacted, etc., That the Federal Reserve Board provided for in the act entitled "An act to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes," be, and it is hereby, authorized and directed, in connection with the banking system provided for in said act, to organize and put in operation a loaning system under and through which loans of not exceeding \$5,000 may be made to any one person at not to exceed 4 per cent interest per annum and for a period of time not to exceed 20 years. Such loans shall be made only for the purpose of acquiring farm lands or city property and improving the same for residence purposes or for improving residence property, and shall be made to such honest, industrious, temperate, economical persons as in the judgment of said board, with the property so purchased or improved as security, will reasonably insure the repayment of such loan with interest within the time fixed. The terms of payment shall be arranged as the board may deem wise and be such as will repay the loan with interest by the time set for the maturity of the same.

Sec. 2. That the said Federal Reserve Board is hereby authorized to make all rules and regulations, impose all conditions, appoint all agents, and do all things necessary to carry out the foregoing provisions and not inconsistent therewith.

Sec. 3. That for the purpose of instituting and carrying on operations under the system herein provided for the sum of \$20,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to continue available until used, and said board shall submit annual reports to Congress of its operations hereunder and an estimate of the amount reasonably necessary for the ensuing year.

Mr. President, the strong and the powerful are able to present their claims to Congress for consideration in cases of emergency and to secure relief, and that is very proper. We are issuing money to banks or artificial persons on satisfactory security and permit them to loan to the people on short time and high rates of interest if satisfactory security is offered, but there are a great many of our people who are really in need of help, really in need of assistance, who are not in a position to get their claims presented to Congress. This bill is intended to furnish relief to deserving people who can not avail themselves of the provisions of the banking laws where security is required and short time given and a high rate of interest exacted, but who will be able to secure the Government from loss. This bill is not intended to take the place entirely of the rural credit bills which have been introduced, but it is intended to supplement those measures.

With the general objects and purposes of the rural credit bills which have been presented I am in hearty sympathy. They do not go to the real needs of the people, however; they help the man who has something to get more, but they do not help the man who has nothing to get something—to get a start, if you please. To get a loan you must have some property already to offer as security.

There are many men who, if they could just get a start, would soon own a home. They are honest, sober, industrious, and economical, but they can not get ahead. Most of their efforts go to support some one else in the payment of rent. The rent for the farm or city dwelling takes most of their savings. They can not buy or build a home. These are the men who really need help. Put them so that the money they pay as rent will apply upon the purchase of a farm or a home in the city without most of it going for interest, so that the product of their labor will go to them and their families, and they will soon become home owners and builders, and happier men and better citizens.

Strength, energy, industry, sobriety, honesty, and frugality are a substantial basis of credit in the business world; and the man who has these elements should be enabled to capitalize them, even if he does not own any property. With these and the property purchased with a loan as security for its repayment, the element of loss will be small.

This is the real purpose of this bill. It is to help those who now have nothing in the way of property to acquire something, to make it so that their efforts may go to their own benefit rather than to sustain some one else in idleness. It is to capitalize industry, good character, and the frugality of the renter, and assist him to become a home owner. When we do that we do a real good; we help where help is needed; we make better citizens and strengthen the Government itself. We make our citizens feel that the Government really means something of good and helpfulness to them as individuals. I would rather assist in passing a law of this kind than in enacting some great measure, so called, restraining the captains of industry from cutting each other's industrial throats, as we spend most of our time in doing.

This bill simply lays down the broad principles to be followed in accomplishing a great and definite object, and allows the details to be worked out through the great financial organization which we have provided for handling our currency system. It can work out the details much better than we can, and should be able to do it at a minimum of cost. There need be no high-salaried officials, such as are provided for in the various rural credit measures, and a comparatively small number of local agents will need to be provided. The greatest latitude is given to the most experienced of business men to carry out a purely business proposition. They will be connected with local agencies, familiar with local conditions, and they can carry on the work more safely and more economically and more wisely than any other agency.

This measure is not paternalism; it is aided individualism. It is not socialism; it is good government.

I trust the committee to which the bill may be referred, if not at this session at least at the next, will give this matter serious consideration.

I ask that the bill may be referred to the Committee on Banking and Currency.

Mr. McCUMBER. Mr. President, just a word in reference to the bill, and especially as to what committee is the appropriate committee to take charge of it.

I am really glad to have the Senator explain that the bill is not paternalism and it is not socialism, because the average reader could see nothing but paternalism and socialism all through the proposition. I really think the Senator ought to amend his bill, however. There are a great many young men and young women who would like to go into the mercantile business. They have not the means to buy stock, and present prices for money and interest are too heavy a burden for them. They will have to have their experience, and they need a little Government assistance. There are a great many people who want to go into the fruit business, others into the dairy business, and I might mention half a thousand businesses which people would like to go into, but they really have not the means to start in the business. It will be experimental with them, and they do not want to take the chance of the experimentation. They want the Government to take the chance and give them an opportunity to develop the "individualism" of which the Senator speaks.

Mr. President, we have been trying this same proposition with the American Indian. We have had it in operation for the last 50 years. We furnish them plows, we furnish them farms, we try to start them in business, and every year we have to furnish the same thing over and over again. We have been trying to develop individualism in the Indian to take care of himself, and just so long as we will do that he will allow the Government to take care of him; and almost any individual, be he white or black or yellow, will do substantially the same thing.

Inasmuch as the Senator is seeking to apply our policy with reference to the American Indian to our farmers and people generally, it seems to me this bill ought to be referred to the Committee on Indian Affairs.

Mr. JONES. Mr. President, just a word. If the Senator can not use any illustration that is more appropriate than the one he has used with reference to the Indian in opposition to a measure of this character, his opposition certainly will not amount to very much.

As to the suggestion the Senator makes with reference to amending the bill, that will be considered by the committee, and whatever amendments the committee may deem wise will have the consideration of the Senate.

I shall not take up the time of the Senate further in noticing the suggestions of the Senator from North Dakota. I do not think they will have very much weight in the consideration of this proposition, especially in view of the aid we are giving from day to day to the banks and other powerful interests.

Mr. BURTON. May I ask to what committee the bill has been referred?

Mr. JONES. I ask that it may be referred to the Committee on Banking and Currency. It brings in the Federal Reserve Board as the agency to carry out its provisions.

The bill (S. 6460) to provide loans for encouraging and assisting in home owning and home building was read twice by its title and referred to the Committee on Banking and Currency.

DONATION OF CANNON.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

STANDARD BOX FOR APPLES.

The VICE PRESIDENT. The Senator from Minnesota [Mr. CLAPP] requests that Senate bill 4517, returned from the House of Representatives in compliance with the request of the Senate, may lie on the table instead of going to the calendar. Is there any objection?

Mr. BURTON. What is the bill?

Mr. JONES. It is the bill (S. 4517) to establish a standard box for apples, and for other purposes, which was passed by the Senate the other day and was recalled yesterday from the House. It is desired that it shall lie on the table.

The VICE PRESIDENT. The Senator from Minnesota [Mr. CLAPP] was called from the Chamber and requested the Chair to state that he would like to have the bill lie on the table instead of going to the calendar.

Mr. BURTON. I understand the object is to secure its early consideration after certain information has been obtained.

Mr. JONES. It is to secure prompt action after certain information has been obtained. We do not want to have it go to the calendar, because there may be no objection to the passage of the bill. The Senator from Minnesota simply wants to get some information, and he is willing that the bill may lie on the table instead of going to the calendar.

The VICE PRESIDENT. If there be no objection, the bill will lie on the table.

SALT LAKE AND OGDEN GATEWAYS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, submitted by the Senator from Colorado [Mr. THOMAS].

The Secretary read the resolution, S. Res. 446, submitted by Mr. THOMAS on the 24th ultimo, as follows:

Whereas the Union Pacific Railroad Co. is said to have issued an order closing the Salt Lake and Ogden gateways after October 1 to all passenger traffic from eastern and southern points originating on the Denver & Rio Grande Railway or other Gould railroads, so called, the effect whereof will be to inflict a very large and unjust loss upon said railroads for which there is no justification; and

Whereas the enforcement of said order will deprive the States of Colorado and Utah of a very large percentage of tourist business and divert an enormous passenger traffic from said States to their great injury; and

Whereas said order is said to have been made to deter and intimidate capital from the reorganization and equipment of the Western Pacific Railroad, a competitor of the Union Pacific road for the traffic of the Pacific coast, and thereby accomplish its undoing; Therefore be it

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to inquire into and investigate the reasons for making said order, the necessity, if any, for shutting the passenger traffic of the Denver & Rio Grande and other southern and southeastern railroads out of the gateways of Salt Lake and Ogden and the Union Pacific lines leading therefrom, the effect of the enforcement of said order upon tourist and other passenger traffic to and through Colorado and Utah, the effect thereof upon the Western Pacific Railroad, and report the result of its investigation to the Senate as early as may be consistent with the making thereof.

Mr. THOMAS. I ask that the resolution may go over without prejudice.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

FEDERAL TRADE COMMISSION—CONFERENCE REPORT.

Mr. NEWLANDS. Mr. President, I move that the Senate proceed to the consideration of the conference report on the trade commission bill, H. R. 15613.

Mr. LEWIS. Will the Senator from Nevada yield to the junior Senator from Michigan [Mr. TOWNSEND] simply for a motion? It is merely to have a matter adjusted as to time. It will occupy only a moment.

Mr. SIMMONS. I hope the Senator will go on with the consideration of the conference report, so that we may take up the unfinished business as soon as possible.

Mr. NEWLANDS. I will state I assured the Senator from North Carolina that I would proceed with this matter, so as to give an opportunity to present the unfinished business.

Mr. LEWIS. Permit me just a word. Let me make perfectly plain my object.

A motion has been made by the Senator from Michigan [Mr. TOWNSEND] merely to have a time set for the consideration of

a bill having for its object some care and consideration for the volunteer officers of the late war. He only asks to have some time set for its consideration. An objection was made to unanimous consent because of other business occupying the attention of the Senate.

I am anxious, speaking for myself, that this side of the Chamber shall not appear to object to a motion which merely asks for some time to be set for the consideration of such a measure. Lest there shall hereafter arise the deliberate charge in the State I represent and that which the Senator from Ohio [Mr. POMERENE] represents and the State of the Senator from Indiana [Mr. KERN], where there is a very large body of these men, I am anxious to avoid the charge that will legitimately arise that the motion made by an eminent Republican Senator coming from Michigan was combated, or not in any wise encouraged or aided, but was opposed by the Democratic side.

For that reason I ask the Senator from Nevada if he will yield but for a second in order that the Senator from Michigan may make his motion and let it be disposed of?

Mr. NEWLANDS. Mr. President, the Senator from Michigan will doubtless have an opportunity to make the motion he has already indicated. This is a matter of preference; and I have already given assurance to the Senator from North Carolina [Mr. SIMMONS] that I would dispose of it as quickly as possible, in order that the pending river and harbor bill may be taken up.

I move that the Senate proceed to the consideration of the conference report on the trade commission bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask for the reading of the report.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"That a commission is hereby created and established, to be known as the Federal trade commission (hereinafter referred to as the commission), which shall be composed of five commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three of the commissioners shall be members of the same political party. The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. The commission shall choose a chairman from its own membership. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"The commission shall have an official seal, which shall be judicially noticed.

"Sec. 2. That each commissioner shall receive a salary of \$10,000 a year, payable in the same manner as the salaries of the judges of the courts of the United States. The commission shall appoint a secretary, who shall receive a salary of \$5,000 a year, payable in like manner, and it shall have authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

"With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special experts and examiners as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be a part of the classified civil service, and shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

"All of the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners

or by their employees under their orders, in making any investigation, or upon official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

"Until otherwise provided by law, the commission may rent suitable offices for its use.

"The Auditor for the State and other Departments shall receive and examine all accounts of expenditures of the commission.

"Sec. 3. That upon the organization of the commission and election of its chairman, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist; and all pending investigations and proceedings of the Bureau of Corporations shall be continued by the commission.

"All clerks and employees of the said bureau shall be transferred to and become clerks and employees of the commission at their present grades and salaries. All records, papers, and property of the said bureau shall become records, papers, and property of the commission, and all unexpended funds and appropriations for the use and maintenance of the said bureau, including any allotment already made to it by the Secretary of Commerce from the contingent appropriation for the Department of Commerce for the fiscal year 1915, or from the departmental printing fund for the fiscal year 1915, shall become funds and appropriations available to be expended by the commission in the exercise of the powers, authority, and duties conferred on it by this act.

"The principal office of the commission shall be in the city of Washington, but it may meet and exercise all its powers at any other place. The commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

"Sec. 4. That the words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means commerce among the several States or with foreign nations, or in any Territory of the United States, or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

"'Corporation' means any company or association, incorporated or unincorporated, which is organized to carry on business for profit and has shares of capital or capital stock, and any company or association, incorporated or unincorporated, without shares of capital or capital stock, except partnerships, which is organized to carry on business for its own profit or that of its members.

"'Documentary evidence' means all documents, papers, and correspondence in existence at and after the passage of this act.

"'Acts to regulate commerce' means the act entitled 'An act to regulate commerce,' approved February 14, 1887, and all acts amendatory thereof and supplementary thereto.

"'Antitrust acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890; also the sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894; and also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913.

"Sec. 5. That unfair methods of competition in commerce are hereby declared unlawful.

"The commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, and common carriers subject to the acts to regulate commerce, from using unfair methods of competition in commerce.

"Whenever the commission shall have reason to believe that any such person, partnership, or corporation has been or is using any unfair method of competition in commerce, and if it shall appear to the commission that a proceeding by it in respect thereof would be to the interest of the public, it shall issue and serve upon such person, partnership, or corporation a complaint stating its charges in that respect, and containing a notice of a hearing upon a day and at a place therein fixed at least 30 days after the service of said complaint. The person, partnership, or corporation so complained of shall have the right to appear at the place and time so fixed and show cause why an order should not be entered by the commission requiring such person, partnership, or corporation to cease and desist from the violation of the law so charged in said complaint. Any person, partnership, or corporation may make application, and upon good cause shown may be allowed by the

commission to intervene and appear in said proceeding by counsel or in person. The testimony in any such proceeding shall be reduced to writing and filed in the office of the commission. If upon such hearing the commission shall be of the opinion that the method of competition in question is prohibited by this act, it shall make a report in writing in which it shall state its findings as to the facts, and shall issue and cause to be served on such person, partnership, or corporation an order requiring such person, partnership, or corporation to cease and desist from using such method of competition. Until a transcript of the record in such hearing shall have been filed in a circuit court of appeals of the United States, as hereinafter provided, the commission may at any time, upon such notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any report or any order made or issued by it under this section.

"If such person, partnership, or corporation fails or neglects to obey such order of the commission while the same is in effect, the commission may apply to the circuit court of appeals of the United States, within any circuit where the method of competition in question was used or where such person, partnership, or corporation resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such person, partnership, or corporation and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the commission. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by testimony, shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari as provided in section 240 of the Judicial Code.

"Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

"The jurisdiction of the circuit court of appeals of the United States to enforce, set aside, or modify orders of the commission shall be exclusive.

"Such proceedings in the circuit court of appeals shall be given precedence over other cases pending therein, and shall be in every way expedited. No order of the commission or the judgment of the court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the antitrust acts.

"Complaints, orders, and other processes of the commission under this section may be served by anyone duly authorized by the commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the principal office or place of business of such person, partnership, or corporation; or (c) by registering and mailing a copy thereof addressed to such person, partnership, or corporation at his or its principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service

shall be proof of the same, and the return post-office receipt for said complaint, order, or other process registered and mailed as aforesaid shall be proof of the service of the same.

"Sec. 6. That the commission shall also have power—

"(a) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any corporation engaged in commerce, excepting banks and common carriers subject to the act to regulate commerce, and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require, by general or special orders, corporations engaged in commerce, excepting banks, and common carriers subject to the act to regulate commerce, or any class of them, or any of them, respectively, to file with the commission in such form as the commission may prescribe annual or special, or both annual and special, reports or answers in writing to specific questions, furnishing to the commission such information as it may require as to the organization, business, conduct, practices, management, and relation to other corporations, partnerships, and individuals of the respective corporations filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the commission may prescribe, and shall be filed with the commission within such reasonable period as the commission may prescribe, unless additional time be granted in any case by the commission.

"(c) Wherever a final decree has been entered against any defendant corporation in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, to make investigation, upon its own initiative, of the manner in which the decree has been or is being carried out, and upon the application of the Attorney General it shall be its duty to make such investigation. It shall transmit to the Attorney General a report embodying its findings and recommendations as a result of any such investigation, and the report shall be made public in the discretion of the commission.

"(d) Upon the direction of the President or either House of Congress to investigate and report the facts relating to any alleged violations of the antitrust acts by any corporation.

"(e) Upon the application of the Attorney General to investigate and make recommendations for the readjustment of the business of any corporation alleged to be violating the antitrust acts in order that the corporation may thereafter maintain its organization, management, and conduct of business in accordance with law.

"(f) To make public from time to time such portions of the information obtained by it hereunder, except trade secrets and names of customers, as it shall deem expedient in the public interest; and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation; and to provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use.

"(g) From time to time to classify corporations and to make rules and regulations for the purpose of carrying out the provisions of this act.

"(h) To investigate, from time to time, trade conditions in and with foreign countries where associations, combinations, or practices of manufacturers, merchants, or traders, or other conditions, may affect the foreign trade of the United States, and to report to Congress thereon, with such recommendations as it deems advisable.

"Sec. 7. That in any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, the court may, upon the conclusion of the testimony therein, if it shall be then of opinion that the complainant is entitled to relief, refer said suit to the commission, as a master in chancery, to ascertain and report an appropriate form of decree therein. The commission shall proceed upon such notice to the parties and under such rules of procedure as the court may prescribe, and upon the coming in of such report such exceptions may be filed and such proceedings had in relation thereto as upon the report of a master in other equity causes, but the court may adopt or reject such report, in whole or in part, and enter such decree as the nature of the case may in its judgment require.

"Sec. 8. That the several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any corporation subject to any of the provisions of this act, and shall detail from time to time such officials and employees to the commission as he may direct.

"Sec. 9. That for the purposes of this act the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the

right to copy any documentary evidence of any corporation being investigated or proceeded against; and the commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of all such documentary evidence relating to any matter under investigation. Any member of the commission may sign subpoenas, and members and examiners of the commission may administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence.

"Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any corporation or other person, issue an order requiring such corporation or other person to appear before the commission, or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"Upon the application of the Attorney General of the United States, at the request of the commission, the district courts of the United States shall have jurisdiction to issue writs of mandamus commanding any person or corporation to comply with the provisions of this act or any order of the commission made in pursuance thereof.

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"No person shall be excused from attending and testifying or from producing documentary evidence before the commission or in obedience to the subpoena of the commission on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, before the commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Sec. 10. That any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce documentary evidence, if in his power to do so, in obedience to the subpoena or lawful requirement of the commission, shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$1,000 nor more than \$5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

"Any person who shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or who shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any corporation subject to this act, or who shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of such corporation, or who shall willfully remove out of the jurisdiction of the United States, or willfully mutilate, alter, or by any other means falsify any documentary evidence of such corporation, or who shall willfully refuse to submit to the commission or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of such corporation in his possession or within his control, shall be deemed guilty of an offense against the United States, and

shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than \$1,000 nor more than \$5,000, or to imprisonment for a term of not more than three years, or to both such fine and imprisonment.

"If any corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of \$100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court.

"Sec. 11. Nothing contained in this act shall be construed to prevent or interfere with the enforcement of the provisions of the antitrust acts or the acts to regulate commerce, nor shall anything contained in the act be construed to alter, modify, or repeal the said antitrust acts or the acts to regulate commerce or any part or parts thereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

FRANCIS G. NEWLANDS,
ATLEE POMERENE,
WILLIAM SAULSBURY,
MOSES E. CLAPP,
ALBERT B. CUMMINS,

Managers on the part of the Senate.

W. C. ADAMSON,
THETUS W. SIMS,
J. HARRY COVINGTON,
F. C. STEVENS,
JOHN J. ESCH,

Managers on the part of the House.

During the reading of the report,

Mr. THOMAS. I do not know whether it is proper to call attention to the various provisions of the conference report as the reading goes on or to wait until it has been completed.

Mr. SMOOT (to Mr. THOMAS). Wait until it has been completed.

Mr. THOMAS. On the suggestion of the Senator from Utah, I will suspend my remarks for the present.

After the reading of the report had been concluded,

Mr. SMOOT. Mr. President, it has been a physical impossibility for me and I believe, for other Senators since receiving the conference report to examine the changes that have been made by the conferees in the bill as it passed the Senate. I admit that it has been impossible for me to consider the changes in more than one or two sections of the bill, and I really believe that the report ought to go over until Tuesday, so that we may have time to consider the changes. It is a most important measure; and from merely a casual observation any Senator can see that many sections of the bill have been changed. Some sections have been eliminated and other sections have been inserted in their places, and still other sections have been taken from and added to.

I am unable to say whether or not the conferees have made the bill better. I believe that during the days intervening between now and Tuesday next Senators who are interested in this vital legislation could at least come to some conclusion as to the advisability of adopting or rejecting the conference report.

Of course, I recognize that the conference report is a privileged question; I recognize that it is now before the Senate; but there is not a Senator who does not know that this legislation is of the most vital importance to the business interests of the country; and to adopt this conference report would, in my opinion, be nothing more nor less than reporting a bill of far-reaching effect to the Senate and asking a unanimous-consent agreement for its present consideration.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I think the Senator from Utah should add that the bill as reported by the conference committee in many respects is an entirely new bill.

Mr. SMOOT. I believe I did say that; and if I did not say it, I meant to do so.

Mr. NEWLANDS. What was the observation of the Senator from Colorado?

Mr. THOMAS. I said that as reported by the conference committee the bill is in many respects an entirely new bill. In other words, the committee has constructed a measure which contains a great many subjects which, although included in the bill as originally passed by the two Houses, are treated in a different way. I think the request that the conference report may go over for a few days is not only pertinent but that it is extremely necessary that it should be agreed to if Senators are to be informed as to this proposed legislation.

Mr. CUMMINS. Mr. President, may I be permitted to say just a word at this point, because it is not probable that I shall be here on Tuesday if the report goes over?

Mr. SMOOT. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, there is a great deal of new phraseology embodied in this conference report, although there is very little, if any, that is not found in the House bill or in the Senate bill. There are just two changes of real materiality in the bill. I mean comparing the conference report with the bill as it was passed by the Senate. The first is substituting the phrase "unfair methods of competition" for the phrase "unfair competition." In my judgment, these two phrases mean exactly the same thing.

The next change is with respect to the procedure for a review of the orders of the commission. We all remember that question was debated at very great length and very carefully considered by the Senate. In the Senate bill the procedure was, first, an independent suit brought by the commission in the district court of the appropriate district for the enforcement of its orders. There was no declaration with respect to the effect of the order of the commission in the suit brought to enforce the order. Personally I believe, and still believe, that the order of the commission in such suit would have all the effect which is now given to orders of the Interstate Commerce Commission in prescribing railroad rates for observance in the future.

There was also a provision for an attack upon the order of the commission by the person or corporation against whom or which it was issued. That also contemplated an independent suit. I believed, and believe still, that in such a suit the order of the commission should be final, except that the court could review the constitutional grounds. We were at variance with regard to what those constitutional grounds were.

In the conference report this is the procedure that has been agreed upon: When the commission makes its order for the discontinuance of a practice or method of unfair competition the commission, if the order is not obeyed, may make an application, which is in substance, of course, a suit, to the circuit court of appeals in the appropriate circuit for the enforcement of its order. With the application it is to file a certified copy of the transcript, including the evidence and the orders that it has taken and made in the case. The court of appeals thereupon issues a subpoena or notice to the person or corporation against whom or which the order was issued. It thereupon tries the case, when the pleadings are made, upon the transcript furnished to it by the commission. In that trial the findings of the commission are made conclusive if supported by testimony as to the facts, leaving the law of the case wholly open to the circuit court of appeals. At the conclusion of that trial it may affirm or reverse or modify the order which the commission has made.

There is a further provision that if upon showing it appears that there ought to be other testimony admitted than that which was received by the commission the circuit court of appeals can refer the matter again to the commission to take such further testimony, which is certified in the same way, and its findings upon the further testimony have the same effect as the original findings.

Any person against whom the order is issued can within 30 days also apply to the circuit court of appeals for a suspension or an annulment of the order of the commission; and thereupon, the commission being notified, it files its transcript with its findings in the same way as though it were attempting to enforce its order, and the proceedings upon the suit so brought or the application so made are the same as though the commission had made the application in the attempt to enforce its orders.

The Supreme Court of the United States is given jurisdiction through the writ of certiorari. There is no absolute right of appeal from the judgment of the circuit court, but its judgments may be reviewed in the way in which judgments are now ordinarily reviewed, by writ of certiorari.

Those are the only real differences in the bill as it passed the Senate and the bill as it is recommended by the members of the conference committee.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. I understood the Senator from Iowa to say that the action to review the order of the commission would have to be taken within 30 days.

Mr. CUMMINS. As I remember it, the provision is that the person or corporation against whom or which the order is issued must, if it is desired to set aside or annul the order of the commission, apply to the circuit court of appeals for that purpose within 30 days.

Mr. WALSH. I asked the question, Mr. President, because, on a hurried reading of the conference report, I found no time limit whatever therein either with respect to the suit to be brought by the commission itself to enforce its order or by the individual or corporation against whom or which the order goes to have the order reviewed or annulled. Can the Senator call our attention to the provision?

Mr. CUMMINS. I may be wrong about it. I will read the part I had in mind. It may be that the 30 days relates to another part of it.

Mr. CRAWFORD. What part of the bill is the Senator about to read?

Mr. CUMMINS. I am reading on page 9, the right-hand column.

Mr. NEWLANDS. The last paragraph.

Mr. CUMMINS. It is as follows:

Any party required by such order of the commission to cease and desist from using such method of competition may obtain a review of such order in said circuit court of appeals by filing in the court a written petition praying that the order of the commission be set aside. A copy of such petition shall be forthwith served upon the commission, and thereupon the commission forthwith shall certify and file in the court a transcript of the record as hereinbefore provided. Upon the filing of the transcript the court shall have the same jurisdiction to affirm, set aside, or modify the order of the commission as in the case of an application by the commission for the enforcement of its order, and the findings of the commission as to the facts, if supported by testimony, shall in like manner be conclusive.

The Senator from Montana is right. I had in mind the 30-day provision on page 7, which relates to the hearing before the commission.

Mr. WALSH. Is it the view of the Senator from Iowa that it would be advisable to permit the ordinary statute of limitations to operate it, or is it his view that a briefer period ought to be fixed within which the commission could institute its action or the party against whom the order goes should be obliged to take that course?

Mr. CUMMINS. I had it in mind that there had been a time fixed, and I carried that idea all the way through. I do not quite understand how I overlooked it, but I think it is not very material, because if the commission desires to enforce its order it will, I assume, be prompt in doing so and will itself bring the matter into the circuit court of appeals if the order is not complied with within a reasonable time.

Mr. WALSH. I am disposed to agree with the Senator about that and do not myself regard the matter as vital, although the bill as it passed the Senate contained a time limitation.

I desire to say to the Senator also that I am glad to be reassured by him that in his own individual opinion the expression "unfair methods of competition" in the conference report is identical in significance with the term "unfair competition" as used in the bill as it passed the Senate. I can not fail to express my regret that the expression of the Senate bill was departed from, because I think the expression has received a rather definite significance in various decisions.

Mr. CUMMINS. The Senator from Montana can not regret that more than I do. I was very earnestly in favor of retaining the Senate expression "unfair competition." I believe it is better, and yet when I came to attempt in my own mind to think of some act of unfair competition that could not be termed an "unfair method of competition" I was unable to summon up any specific instance. I thought "unfair competition" was a broader and more comprehensive term and better understood in the law.

Mr. WALSH. Let me ask the Senator from Iowa if the remainder of the conferees concurred with him in the view which he now expresses as his; that the two expressions were substantially identical?

Mr. CUMMINS. All these things, I think, occurred to me, and they were urged with a good deal of insistence, but the managers on the part of the House were very clearly of the opinion that the term "unfair methods of competition" was the best way of expressing it, and I had to yield, so far as I was individually concerned in that case, as I yielded more than once during the course of the conference.

Mr. SMOOT. Mr. President, I desire to ask the Senator having the bill in charge if he does not think that it would be best to let this matter go over until Tuesday, and will he not consent to that, so that Senators may have time to study differences between the conference report and the bill as it passed the Senate?

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. I have asked the Senator a question, and will be glad to yield for an answer.

Mr. NEWLANDS. As we are pressed for time, I deem it important that this proceeding should go on to a conclusion. It is true that the conferees have presented a new bill, but the substantial matters of difference between the House and the Senate were few, as has been shown by the Senator from Iowa. The whole matter has been thoroughly discussed. The important matters are the matters relating to the clause "unfair competition" and the powers of the commission. The differences are all clearly enumerated in the document containing the three bills printed in the parallel columns which lies before us, the House bill, the Senate bill, and the conference agreement. It is quite easy to pick out what is new and what is different.

Mr. SMOOT. If we had had a day to do that, I agree with the Senator, but we have only had about a couple of hours since the conference report was available.

Mr. NEWLANDS. I should like very much to accommodate the Senator, but I must ask that we proceed.

Mr. SMOOT. Mr. President, insisting on the consideration of the report at this time will not at all hasten the signing of the bill by the President. The conference report is not going to be acted on in the House until Tuesday, at least. The House, I understand, will adjourn early to-day to meet on Tuesday next, and the Senate will do the same. If we were the only body to act upon it, it would be an entirely different matter, but we are not; the House must act upon the conference report before it can be presented to the President. I am sure that the House will not act upon this report to-day, and therefore the Senator will lose nothing, even if he grants the request.

Mr. NEWLANDS. I will state that I am assured that if we get through with the report here this afternoon it will be taken up this afternoon in the House.

Mr. SMOOT. The Senator knows that under the rules of the House a conference report has to be presented and then lie over for a day and be printed.

Mr. NEWLANDS. But the report was presented yesterday, and the bill has been printed, and I think is in the Record, together with a statement of the managers as to the three bills.

Mr. SMOOT. Mr. President, I had not noticed—

Mr. TOWNSEND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. Certainly.

Mr. TOWNSEND. Mr. President, it seems to me that it would be in the interest of good legislation to allow this report to go over until we can read the measure, at least. Here is a new bill. Of course the committee may be so well assured of the justice of its cause, and that it is going to be adopted by the Senate without any question, as to be willing to press it; but this is certainly a very important matter. It is a very unusual thing for a committee of conference to frame a new bill and present it, although there were many intimations that that was what was expected of the conference committee in this matter. It has been printed in the Record this morning and read without any opportunity to digest its provisions, certainly the new ones; and now we are asked to vote on it.

It seems to me this matter will require a quorum of the Senate all the time to determine it. I feel that in a matter of this sort the Senate ought to consider it, not to delay it, but simply to consider it, and that we ought to read the bill before we vote for it.

Mr. SMOOT. I expected when the trade commission bill passed the Senate, and so stated, I believe, that it would be virtually made in conference, notwithstanding the fact that we had spent weeks and weeks in its consideration.

Mr. POMERENE. Mr. President—

Mr. SMOOT. Just a moment. I have made the request. If the Senator does not feel justified in granting it, of course he can refuse, and then it will rest entirely in the hands of the Senate; but I think it is a very just request, indeed. It will not hamper the passage of the bill in the least. It will be signed by the President just as quickly if it goes over until Tuesday as it will if it is forced through the Senate to-day. I sincerely hope the Senator will reconsider his refusal, and allow it to go over.

Mr. NEWLANDS. Mr. President, with reference to what the Senator says as to our making up a new bill, I wish to say that he will observe, upon comparing the conference report with the bill as it passed the Senate, that it varies from it in very few particulars. There is a difference of logical arrangement, but the substance of the bill is there, and almost the language of the bill. The substantial changes have been referred to by the Senator from Iowa; and there is therefore no real reason for delay based upon the assertion that a new bill has been framed. Whatever is in this bill was entirely within the range of difference between the Senate and the House, and can be found either in the one bill or in the other.

Mr. SMOOT. As far as that is concerned, conferees have taken it upon themselves to put entirely new matter in conference reports; and, as I say, it is a physical impossibility for a Senator to take up the report this morning and in an hour be prepared to call attention to the changes that have been made from the bill as it passed the Senate and as reported by the conferees.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I do.

Mr. POMERENE. I simply wish to confirm what has been said by the chairman of the committee and the Senator from Iowa [Mr. CUMMINS]. It is hardly fair to say that this is a new bill, though that expression has been used to-day. With the exception of section 5, I think there is nothing vital or substantial in any of the changes which were made by the conferees. They go rather to rearrangement and perhaps to changes in phraseology; and it is true there have been a good many of them.

Mr. SMOOT. The Senator must admit that section 5 is the vital section of the bill.

Mr. POMERENE. Undoubtedly.

Mr. SMOOT. Practically, it is the bill.

Mr. POMERENE. Undoubtedly; but as to section 5 I think the Senator from Iowa has very fairly and very fully pointed out the difference between the section as it passed the Senate and the section as it is presented here by the conferees. As the Senator knows, that section was entirely new matter in the Senate. I understand it had been considered by the Interstate Commerce Committee of the House, but they did not incorporate it in the bill.

Mr. SMOOT. I deprecate this method of legislation by conferees rather than by the two Houses of Congress.

I can not do more, and do not intend to do more, than I have already done in asking the Senator to allow the report to go over until Tuesday. If he refuses, of course I can not help it. I do not think he will gain anything by the refusal.

Mr. GALLINGER. Mr. President, I take rather a serene view of the situation, for the reason that from my viewpoint the bill was as bad as it possibly could be when it passed the Senate, and I am sure the conferees have not made it any worse. On the contrary, while I have not examined it, I felicitate myself in the hope that perhaps they have improved it. Whether it is considered to-day or next Tuesday is comparatively immaterial to me, because I assume the conference report will be agreed to whenever we come to a vote.

Of course the request that has been made is not an unusual one, and under the circumstances very likely a proper one; but on that point I do not care to say a word. The entire legislation did not commend itself to some of us who voted against the bill. We had our reasons, some of which were expressed, and some were not. I think I represent more than one Senator on this side of the Chamber in the belief that the bill, however it has been manipulated in conference—and we know bills are manipulated in conference—will do much less good than the proponents of the bill anticipate. I think that at this time, when the business interests of the country are pleading for peace and rest, it will be simply a statute that will cause uneasiness and distrust and disturbance in the business world. That is my personal opinion.

Mr. BORAH. Mr. President, I should like to ask those in charge of the report if there has been any change in the provisions with reference to the scope of the review of the action

of the trade commission? Has that been enlarged or changed in any respect from what it was as put down in the Senate?

Mr. NEWLANDS. The Senator evidently did not hear the Senator from Iowa [Mr. CUMMINS].

Mr. BORAH. No; I had the misfortune to be out just at that time.

Mr. NEWLANDS. I will state to the Senator that section 5 of the report differs from section 5 as the bill passed the Senate.

Mr. BORAH. Yes; I know section 5 differs. I saw that in the papers.

Mr. NEWLANDS. With reference to the process in the court, the findings of fact by the commission are made conclusive, if sustained by evidence. The court can review all questions of law. The proceeding is somewhat shortened by providing for an application to the court of appeals instead of to the district court. The entire transcript goes to the court of appeals. If the court of appeals comes to the conclusion that any additional evidence is required, it can remand the matter to the commission for the purpose of taking such additional evidence, and then a transcript of it is filed in the court of appeals. The court of appeals then, after trial and hearing, has the power to affirm or modify or reject or reverse the order of the commission. I will state that, of course, there is the usual process of appeal to the Supreme Court by certiorari.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. I do.

Mr. THOMAS. I will ask the Senator from Nevada if it is not true that the party against whom such order is made may petition the court for review at any time?

Mr. NEWLANDS. Yes.

Mr. THOMAS. There is no limitation either of days or of months or of years upon the right or privilege of the party against whom or against which the order goes.

Mr. BORAH. I will ask the Senator from Colorado a question. Suppose this trade commission, in a particular case, upon a particular hearing where the facts have been brought before it, should determine that a particular method or way of doing business was unfair competition, and therefore should issue an order prohibiting it, would it be within the power of Congress, for instance, to pass a joint resolution and declare that upon the state of facts it was not unfair competition? And if, technically, Congress had the power to pass such a resolution, could the Senator suppose such an extraordinary thing as Congress being asked to do it?

Mr. THOMAS. I would prefer that the Senator should ask that question of some friend of the bill or of one of the conference committee.

Mr. BORAH. Who are the friends of the bill?

Mr. THOMAS. I imagine that a decree of the commission would be on the same plane as the decree of the Interstate Commerce Commission, with reference to the power of Congress to relieve from it.

Mr. BORAH. In view of the fact that we are advised—not officially, but in ways which seem reliable—that we are about to consider the proposition of a joint resolution to instruct the Interstate Commerce Commission to raise freight rates and passenger rates, it occurred to me that possibly there ought to be some provision in this bill to avoid the necessity of that roundabout way of controlling these commissions.

Mr. THOMAS. Is the Senator addressing his remark to me?

Mr. BORAH. Yes.

Mr. THOMAS. I do not know of any roundabout or other way of controlling these commissions once they get started, and they seem to have a pretty good start just now.

Mr. CUMMINS. Mr. President, I am a friend of the bill, and I have no hesitation whatever in answering the question of the Senator from Idaho. I do not think it would be within the power of Congress to direct the commission to enter any particular order upon any given state of facts; but it is within the power of Congress to change the law whenever it sees fit to do so.

I hope the remark of the Senator from Idaho, addressed to the Senator from Colorado, is not based upon any belief upon his part that Congress is about to direct the Interstate Commerce Commission to raise railroad rates or to enter any other order with regard to railroad rates or practices that have been condemned by the commission.

Mr. BORAH. I can not say that it is my belief. I have no belief these days. I simply have intimations and intuitions, which arise out of these daily "emergencies." I have an intimation coming from different sources throughout the country, and it seems now to be centralized in Washington, that Congress is to be expected to pass a joint resolution directing the

Interstate Commerce Commission, after it has investigated the matter and passed upon the facts, nevertheless to enter another order. Now, I do not know whether the railroads are entitled to have a raise in rates or not, but, aside from that question, it seemed to me rather extraordinary that Congress, which has made no investigation, should be called upon to instruct a commission which has made an investigation. The one is supposed to proceed upon investigation and from deliberation; the other would proceed without investigation and upon another hourly born "emergency."

Mr. CUMMINS. I know that I have received a great many letters from people throughout the country containing a circular letter issued by some firm or corporation in New York, in which the very phraseology of the proposed resolution is set out, and in which the correspondents of this firm in New York are asked to write letters to their Senators and their Representatives insisting upon the passage of this resolution. I have answered them about in this wise: That it was incredible to me that any good citizen would suggest such a course, for it was as shocking to me to intimate that Congress could by resolution direct the action of the Interstate Commerce Commission as it would be to suggest that Congress should direct the Supreme Court to render a particular decision in any case that might be pending before it. I am very much astonished at the feeling that possibly there are people here who intend to call upon Congress to do that. I hope the Senator from Idaho is mistaken in even his suspicion that our friends on the other side are preparing any such measure as that for our consideration.

Mr. BORAH. I thought perhaps if I suggested this to my friend from Iowa it might ameliorate his enthusiasm for these commissions.

Mr. CUMMINS. No, Mr. President: I believe in the Interstate Commerce Commission, and I believe in the Federal trade commission about to be established, and I want to put my prediction with regard to this measure, if it becomes a law, side by side with the prediction of my distinguished friend from New Hampshire [Mr. GALLINGER]. He has stated that he believes it will disturb business and that it is the forerunner of disaster. I predict that in the days to come the Federal trade commission and its enforcement of the section with regard to unfair competition will be found an anchor for honest business. I believe it will introduce a stability in business that hitherto has been unknown. I believe it will restore confidence among those who are conducting their affairs honestly and uprightly.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. I believe it will be found to be the most efficient protection to the people of the United States that Congress has ever given the people by way of a regulation of commerce, and that it will rank in future years with the antitrust law; and I was about to say that it would be found still more efficient in the creation of a code of business ethics and the establishment of the proper sentiments with regard to business morals. I am not half-hearted in my support of this measure. I believe in it thoroughly. I look forward to its enforcement with a high degree of confidence.

Mr. BORAH. I wish to ask the Senator from Iowa if he thinks that this commission will in time take as high rank as the Interstate Commerce Commission, and be treated in the same way in case its decisions run counter to an "emergency"?

Mr. CUMMINS. I am not prepared to answer that question in a direct way. I believe it is capable of taking as high a rank. It depends, of course, upon the character and the attainments of the men who are appointed to fill the commission. It can be made of the highest usefulness and it can be degraded into a mere political machine, if it be so desired. That is true of every function of the Government.

Mr. GALLINGER. Mr. President—

Mr. BORAH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I did not know the Senator had the floor.

Mr. CUMMINS. I was speaking in the time of the Senator from Idaho.

Mr. GALLINGER. In these days, when phrases and fine words are caught up and scattered over the country as representing the views of Senators, I wish to suggest to the Senator from Iowa that in using the word "disaster" he did not accurately state what I said. I think the Senator will observe that if he turns his attention to the Record in the morning.

Mr. CUMMINS. I need no further assurance than the word of the Senator from New Hampshire.

Mr. GALLINGER. I do not prophesy that.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside whilst we are considering the conference report.

The VICE PRESIDENT. Is there objection?

Mr. TOWNSEND. I object, Mr. President.

Mr. NEWLANDS. I move, then, that the Senate proceed to the consideration of the conference report.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. TOWNSEND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Martin, Va.	Shively
Borah	Gallinger	Martine, N. J.	Simmons
Brady	Hollis	Newlands	Smith, Ga.
Bryan	Hughes	Norris	Smoot
Burton	Jones	Perkins	Stone
Chamberlain	Kenyon	Pittman	Swanson
Chilton	Kern	Polindexter	Thomas
Clapp	Lane	Pomerene	Thompson
Colt	Lea, Tenn.	Ransdell	Thornton
Crawford	Lee, Md.	Shafroth	Walsh
Cummins	Lewis	Sheppard	White
Fall	McLean	Shields	Williams

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of absent Senators, and Mr. McCUMBER answered to his name when called.

Mr. ASHURST entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. BORAH. I presume the matter before the Senate now is the conference report.

The VICE PRESIDENT. It is the motion made by the Senator from Nevada [Mr. NEWLANDS], to proceed to the consideration of the conference report.

Mr. BORAH. Excuse me.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Nevada [Mr. NEWLANDS].

Mr. JONES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer the same to the junior Senator from Kentucky [Mr. CAMDEN] and vote "nay."

Mr. COLT (when his name was called). I am paired with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withhold my vote.

Mr. FLETCHER (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer the pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and in his absence from the Chamber I will withhold my vote.

Mr. MCLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN] and therefore withhold my vote.

Mr. SIMMONS. I desire to state to the Senator from California that the junior Senator from North Carolina, if present, would vote "yea," so that if the Senator from California proposes to vote that way he can vote.

Mr. PERKINS. Then I will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOR]. I understand, however, that we are in accord upon this subject, and I therefore vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT], under the terms of which I am entitled to vote if my vote is necessary to

make a quorum. I understand that the conditions are such as to entitle me to vote, and accordingly I vote "yea."

Mr. WILLIAMS (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE], and being unable to procure a transfer I must withhold my vote. If I were at liberty to vote I would vote "yea."

The roll call was concluded.

Mr. HOLLIS. I have a pair with the junior Senator from Maine [Mr. BURLEIGH], but I may vote to make a quorum when my vote is necessary. I vote "yea."

Mr. LEA of Tennessee (after having voted in the affirmative). Is the senior Senator from South Dakota [Mr. CRAWFORD] recorded as voting?

The VICE PRESIDENT. He is not.

Mr. LEA of Tennessee. Under the terms of my pair with that Senator I am at liberty to vote if my vote is necessary to make a quorum, and I will allow my vote to stand.

Mr. GALLINGER. I desire to announce the following pairs:

The Senator from Kansas [Mr. BRISTOW] with the Senator from Georgia [Mr. WEST];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from South Dakota [Mr. STERLING] with the Senator from Mississippi [Mr. VARDAMAN];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

Mr. CRAWFORD entered the Chamber and voted "yea."

Mr. STONE. I wish to announce that my colleague [Mr. REED] is unavoidably absent from the city for to-day.

The result was announced—yeas 35, nays 8, as follows:

YEAS—35.

Ashurst	Fall	Martin, Va.	Simmons
Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Hollis	Norris	Stone
Brady	Hughes	Perkins	Swanson
Bryan	Kenyon	Pittman	Thompson
Chilton	Kern	Ransdell	Thornton
Clapp	Lea, Tenn.	Shafroth	Walsh
Crawford	Lee, Md.	Sheppard	White
Cummins	Lewis	Shields	

NAYS—8.

Burton	Jones	McCumber	Smoot
Chamberlain	Lane	Polindexter	Thomas

NOT VOTING—53.

Brandegge	Gronna	Owen	Stephenson
Bristow	Hitchcock	Page	Sterling
Burleigh	James	Penrose	Sutherland
Camden	Johnson	Pomerene	Tillman
Catron	La Follette	Reed	Townsend
Clark, Wyo.	Lippitt	Robinson	Vardaman
Clarke, Ark.	Lodge	Root	Warren
Colt	McLean	Saulsbury	Weeks
Culbertson	Martine, N. J.	Sherman	West
Dillingham	Myers	Shively	Williams
du Pont	Nelson	Smith, Ariz.	Works
Gallinger	O'Gorman	Smith, Md.	
Goff	Oliver	Smith, Mich.	
Gore	Overman	Smith, S. C.	

The VICE PRESIDENT. No quorum is present.

Mr. GALLINGER. I will transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

The VICE PRESIDENT. No quorum is present, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Martine, N. J.	Smith, Ga.
Bankhead	Fletcher	Norris	Smoot
Borah	Gallinger	Perkins	Swanson
Brady	Hollis	Pittman	Thomas
Bryan	Hughes	Polindexter	Thompson
Burton	Kenyon	Pomerene	Thornton
Chamberlain	Kern	Ransdell	Walsh
Chilton	Lea, Tenn.	Shafroth	Williams
Clarke, Ark.	Lee, Md.	Sheppard	
Crawford	Lewis	Shields	
Cummins	Martin, Va.	Simmons	

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. NEWLANDS, Mr. SHIVELY, Mr. STONE, and Mr. WHITE answered to their names when called.

Mr. LANE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate heretofore given and request the attendance of absent Senators.

Mr. CLAPP, Mr. VARDAMAN, and Mr. JONES entered the Chamber and answered to their names.

Mr. NEWLANDS. I am satisfied it will be difficult to get a voting quorum this afternoon. Therefore I will withdraw my motion and I shall renew it on Tuesday.

Mr. BURTON. I did not understand the statement of the Senator from Nevada.

Mr. NEWLANDS. I said I was satisfied it would be difficult to get a voting quorum this afternoon, and therefore I withdraw my motion to continue the consideration of the conference report and shall renew it on Tuesday.

Mr. GALLINGER. A parliamentary inquiry, Mr. President. The roll call having been begun, and being uncompleted, can the Senator from Nevada withdraw his motion?

The VICE PRESIDENT. Nothing can be done until the Chair announces the result of the roll call. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. NEWLANDS. I supposed the announcement had been made. I withdraw the motion for the immediate consideration of the conference report, and I shall renew it on next Tuesday.

The VICE PRESIDENT. Is there objection? The Chair is of opinion that the Senator's motion must be withdrawn by unanimous consent, having been once voted upon and the vote being pending. Is there objection to the withdrawal of the motion?

Mr. GALLINGER. I do not make any objection, but I wanted it to be put in the form that it must be done by unanimous consent.

Mr. NORRIS. Mr. President, I object.

Mr. GALLINGER. Let the roll be called.

The VICE PRESIDENT. Then, the Secretary will have to call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). Again announcing the transfer of my pair I vote "nay."

Mr. FLETCHER (when his name was called). I make the same announcement as to my pair and its transfer as before and vote "yea."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. HOLLIS (when his name was called). Announcing my pair as before, I vote to make a quorum. I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. STONE (when his name was called). I transfer my general pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. THOMAS (when his name was called). Renewing the announcement previously made, I vote "nay."

Mr. WALSH (when his name was called). Renewing the statement made on a former vote, I vote "yea."

Mr. WILLIAMS (when his name was called). Again announcing my pair, I withhold my vote.

The roll call was concluded.

Mr. COLT. I again announce my pair and withhold my vote.

The result was announced—yeas 34, nays 8, as follows:

YEAS—34

Ashurst	Fletcher	Martine, N. J.	Stone
Bankhead	Hollis	Newlands	Swanson
Brady	Hughes	Norris	Thompson
Bryan	Kern	Pittman	Thornton
Chilton	Lea, Tenn.	Shaftroth	Vardaman
Clapp	Lee, Md.	Sheppard	Walsh
Crawford	Lewis	Shields	White
Cummins	McLean	Simmons	
Fall	Martin, Va.	Smith, Ga.	

NAYS—8.

Burton	Jones	McCumber	Smoot
Chamberlain	Lane	Polindexter	Thomas

NOT VOTING—54.

Borah	Gore	Owen	Smith, Mich.
Brandeggee	Gronna	Page	Smith, S. C.
Bristow	Hitchcock	Penrose	Stephenson
Burleigh	James	Perkins	Sterling
Camden	Johnson	Pomerene	Sutherland
Catron	Kenyon	Ransdell	Tillman
Clark, Wyo.	La Follette	Reed	Townsend
Clarke, Ark.	Lippitt	Robinson	Warren
Colt	Lodge	Root	Weeks
Culberson	Myers	Saulsbury	West
Dillingham	Nelson	Sherman	Williams
du Pont	O'Gorman	Shively	Works
Gallinger	Oliver	Smith, Ariz.	
Goff	Overman	Smith, Md.	

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Smith, Ga.
Bankhead	Fletcher	Newlands	Smoot
Borah	Gallinger	Norris	Stone
Brady	Hughes	Perkins	Swanson
Bryan	Kern	Pittman	Thomas
Burton	Lane	Polindexter	Thompson
Chamberlain	Lea, Tenn.	Ransdell	Thornton
Chilton	Lee, Md.	Shaftroth	Vardaman
Clapp	Lewis	Sheppard	White
Clarke, Ark.	McLean	Shields	Williams
Colt	Martin, Va.	Simmons	

The VICE PRESIDENT. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHIVELY answered to his name when called.

Mr. FALL, Mr. WALSH, Mr. KENYON, and Mr. JONES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. POMERENE entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The pending question is, Will the Senate proceed to the consideration of the conference report on the trade commission bill, on which the yeas and nays have been ordered? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "yea."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN] and withhold my vote.

Mr. THOMAS (when his name was called). Making the same announcement as heretofore, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have not been able to secure a transfer, but I have an understanding with that Senator that when it is necessary to constitute a quorum I am at liberty to vote. The roll call having failed to show a quorum upon the last two calls, I consider myself at liberty to vote now. I therefore vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN. Again transferring my pair, I vote "nay."

Mr. SMITH of Georgia. I again transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea." I ask that this announcement of my pair and its transfer may stand for the remainder of the day.

The result was announced—yeas 31, nays 6, as follows:

YEAS—31.

Ashurst	Hughes	Norris	Simmons
Bankhead	Kern	Pittman	Smith, Ga.
Bryan	Lea, Tenn.	Pomerene	Stone
Chilton	Lee, Md.	Ransdell	Swanson
Clapp	Lewis	Shaftroth	Thompson
Cummins	Martin, Va.	Sheppard	Thornton
Fall	Martine, N. J.	Shields	Williams
Fletcher	Newlands	Shively	

NAYS—6.

Chamberlain	Lane	Smoot	Thomas
Jones	Polindexter		

NOT VOTING—59.

Borah	Burleigh	Clark, Wyo.	Culberson
Brady	Burton	Clarke, Ark.	Dillingham
Brandeggee	Camden	Colt	du Pont
Bristow	Catron	Crawford	Gallinger

Goff	McCumber	Reed	Sutherland
Gore	McLean	Robinson	Tillman
Gronna	Myers	Root	Townsend
Hitchcock	Nelson	Saulsbury	Vardaman
Hollis	O'Gorman	Sherman	Walsh
James	Oliver	Smith, Ariz.	Warren
Johnson	Overman	Smith, Md.	Weeks
Kenyon	Owen	Smith, Mich.	West
La Follette	Page	Smith, S. C.	White
Lippitt	Penrose	Stephenson	Works
Lodge	Perkins	Sterling	

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Pomerene	Stone
Chamberlain	Lane	Ransdell	Swanson
Chilton	Lea, Tenn.	Shafroth	Thomas
Clapp	Lee, Md.	Sheppard	Thornton
Colt	Martin, Va.	Shields	Walsh
Cummins	Newlands	Shively	White
Fall	Norris	Simmons	Williams
Fletcher	Perkins	Smoot	

The VICE PRESIDENT. Thirty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. JONES, Mr. LEWIS, Mr. MARTINE of New Jersey, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. ASHURST, Mr. PITTMAN, Mr. BRYAN, Mr. KERN, and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Sergeant at Arms will carry out the instructions of the Senate, heretofore given, to request the attendance of absent Senators.

Mr. CRAWFORD and Mr. BRADY entered the Chamber and answered to their names.

RECESS.

Mr. KERN. In pursuance of the order made on yesterday, I move that the Senate take a recess until 11 o'clock Tuesday morning. The order has already been made for a recess not later than 6 o'clock to-day.

The motion was agreed to; and (at 2 o'clock and 8 minutes p. m.) the Senate took a recess until Tuesday, September 8, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, September 5, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, we thank Thee that though we oftentimes forget Thee and wander far from the paths of rectitude and duty Thou art ever mindful of us and always ready to receive the penitent wanderer to Thy favor and confidence. Pour out, we beseech Thee, upon us the spirit which makes for righteousness in the soul, that we may be more faithful to Thee and ever close to duty's call; that we may be able to fulfill our mission upon the earth and pass serenely on at the appointed time to that house not made with hands, eternal in the heavens. In the name of Him who taught us faith and confidence in Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 17442. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914;

H. R. 2167. An act to fix the time for holding the term of the district court in the Jonesboro division of the eastern district of Arkansas; and

H. J. Res. 330. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved April 24, 1914.

COAL LANDS IN ALASKA.

The SPEAKER. Under the special rule the House resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233,

and the gentleman from New York [Mr. FITZGERALD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 14233, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 10. That no lease issued under authority of this act shall be assigned or sublet except with the consent of the Secretary of the Interior. Each lease shall contain provisions for insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of waste as may be prescribed from time to time by the said Secretary shall be observed, and such other provisions as he may deem necessary for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare.

Mr. MONDELL and Mr. LEWIS of Maryland rose.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Pages 9 and 10, strike out all of section 10 after the word "Interior" in line 23 and insert in lieu of the words stricken out the following:

"All leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons and places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner, with due regard to the permanence of the mine, without undue waste, and with a special reference to the safety and welfare of the miners.

Mr. MONDELL. Mr. Chairman, the amendment that I offer is intended to place in the lease certain conditions which are essential and necessary to continuous mining under proper conditions and for the protection of the miner and the general public. It is true there are in another section of the bill certain prohibitions against combinations in restraint of trade, but there is no provision in the bill which compels the Secretary of the Interior to make a part of the lease these necessary provisions for the permanence of the mine, the safety of the miner, and the full and complete protection of all purchasers of coal. There is a general provision in the words which are stricken out by my amendment under which the Secretary could possibly require all of these things and make them a part of the lease. But that is questionable. That is somewhat doubtful, as a matter of law, and it seems to me highly important that these necessary and essential things should be definitely made a part of the lease by provisions contained in this bill.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. STEPHENS of Texas. Is there not a general law of the United States, and also laws in the various States, protecting miners when engaged in the mining of coal and other minerals that may be carried on in any of the States?

Mr. MONDELL. There is a general law in the United States against combinations in restraint of trade, and yet it was deemed wise to put a provision in another section of this bill prohibiting such combinations in restraint of trade in coal. My proposition is this, that the Congress should definitely, and in language that can not be misunderstood, compel the placing in all leases of those provisions that we all agree are necessary for the permanence of the mine, for the protection of the miner, and for the protection of those who may purchase the coal. If we do not do that and simply say to the Secretary of the Interior that he may insert in the lease such provisions as in his opinion are necessary and proper, we give him no guide. We place him under no obligation to put in the lease any of the essential provisions. Certainly when we come to the leasing of these valuable coal lands in Alaska, over which there has been so much agitation, in regard to which there has been so much misrepresentation, we should make it clear, definite, and cer-

tain that the interests of all interested parties, the Government, the miner, and the consuming public, should be protected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. MONDELL. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 32, yeas 80.

So the amendment was rejected.

Mr. LEWIS of Maryland. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 3, insert, after the word "observed," the following: "Including a restriction of not exceeding eight hours' actual labor in any one day for underground workers, except in cases of emergency; provisions securing the workmen complete freedom of purchase, requiring the payment of wages at least twice each month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner."

Mr. LEWIS of Maryland. Mr. Chairman, the amendment I have just introduced is addressed to three substantial conditions in coal-mining sociology. The first is the provision for an eight-hour day. It is enough to say to the intelligence of this House that if an eight-hour day is justified in any industrial employment it is demanded in coal mining, where, because of the atmospheric conditions which at best must often obtain in coal mines, the lungs of the miner are frequently worn out when he is but 30 or 40 years of age, and he is thrown on the scrap heap, an asthmatic victim for the rest of his life. There can be no question among those who have given this question impartial attention that an eight-hour day is not only justified but necessitated by the conditions of underground coal mining.

The second point involves mere truisms under our institutions. I trust I can say a man surely is entitled to purchase the requirements of life at his own pleasure and from such merchants as his own taste or interests may point out. No argument is necessary, surely, as to that point, and this is equally true as to his right to be paid in lawful money at least semimonthly.

The third point, Mr. Chairman, covered by the amendment is one giving the Secretary of the Interior power to make regulations to insure the just and fair weighing of the coal that may be mined. I can speak from experience in saying that no subject is productive of as much trouble between the employer and the employee as the matter of the weighing of the coal after it is mined. The miner can not be present when the coal is weighed, and the employer selects the weighmaster. That does not mean that the coal is generally unjustly weighed, but it does mean that in coal mining, as in other occupations, unfortunately the rogue will sometimes appear and cheat at the scale, although he is rare; and as the miner can not be present at the scale to determine for himself that his coal has been justly weighed, a spirit of suspicion enters into those relations that is often productive of the most serious disturbances in coal mining.

Under this amendment the mine inspector might be given the power to dismiss the weighmaster whose honesty is doubted with show of reason, and such weighmasters should, as public functionaries, be subject to his approval on the question of character and competency. With this brief explanation of the points covered by the amendment I ask the credence of the House for my statement, as that of an experienced witness, that this amendment will prove of advantage to the public, and to the employees and employers as well, in the development of the public coal lands of the country. [Applause.]

Mr. FERRIS rose.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized.

Mr. FERRIS. Mr. Chairman, the amendment offered by the gentleman from Maryland [Mr. LEWIS], the distinguished chairman of the Committee on Labor, was presented to me and to some members of the committee several days ago when this bill was up before. It was my thought then that Alaska, the country affected, was so sparsely populated and the conditions were so onerous under which coal could be mined at all that there might be some considerable doubt as to whether the gentleman from Maryland should have his amendment adopted. I took it, however, and went down to the department yesterday with it, and I had the lawyers of the department and Secretary Lane and members of our committee consider it, and on comparison we found that what the gentleman from Maryland desires to do is practically what the Western States have on

their State statutes; and if the gentleman feels that it ought to be adopted, as I believe he does, so far as I know we are willing to accept it, and so far as we may be concerned we do accept it.

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alaska moves to strike out the last word.

Mr. WICKERSHAM. Ordinarily an amendment of this kind might not be needed, but the conditions here are peculiar. The lands in Alaska belong to the United States. The Congress of the United States has supreme legislative power over Alaska, for it is a Territory. The Territorial Legislature in Alaska has no power to legislate in respect to leases made under this bill, if it shall pass. It may be held to have no power or control in the management of the mines or of the men who work in the mines. Any legislation necessary in respect to the limitation of hours, the protection of the mines, and the protection of the men working in the mines must be enacted by the Congress, and, substantially, it must be enacted now, because if this bill shall pass without it and leases are made under it Congress would not then have the right to change the contract or lease entered into under this bill and impose new conditions.

I strongly favor the proposed amendment. The people of Alaska favor the eight-hour law in underground mine work, and I specially favor that provision in the amendment.

The first Legislature of Alaska, on April 24, 1913, passed an act making eight hours the limit in underground mine working in that Territory, as follows:

Sec. 2. That the period of employment of workmen in underground workings, underground mines, stamp mills, and roller mills, open-cut work, chlorination processes, cyanide processes, and coke ovens shall not exceed 8 hours within any 24 hours, except on such days as change of shift is made—

And so forth.

This act of the Alaska Legislature, however, can have no force in respect to coal-mine working under this leasing law, for Congress has plenary power over the coal lands of Alaska and the sole and exclusive right to determine what the conditions of the lease shall be. The Legislature of Alaska will have no power to change this law or add any new conditions to the lease. So it is imperative that Congress shall now in this bill limit the hours of work to be performed in the Alaska coal mines, if it is done at all. It is very desirable to have it done, and I strongly favor that portion of this amendment.

The provision securing to workmen complete freedom of purchase and requiring the payment of wages at least twice a month in lawful money is also beyond the power of the local legislature, for this provision must also be a part of the conditions of the lease over which the local legislature will have no jurisdiction.

The provision about weighing stands in the same situation. Ordinarily, the local legislature has police power over all matters of this kind, but owing to the peculiar relationship of the United States as the proprietor of these coal lands in Alaska, and because Congress is the supreme lawmaking body in that Territory, and because the Legislature of Alaska is so limited in its authority, this amendment ought to be made at this time, and I earnestly hope the House will accept the amendment and make it a part of the Alaska coal-leasing bill while it has the opportunity.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. GREENE of Massachusetts. We are talking about the necessity of giving people employment in coal mines in Alaska, and I think there is a necessity for it. I am impressed very strongly in that connection by an article which I clipped from the Boston Traveler of Wednesday evening, September 2. It reads as follows:

LABOR CONDITIONS THE WORST IN SEVEN YEARS.

The month of September starts out with the demand for labor at the lowest ebb for a corresponding period since the panic year of 1907, according to the figures of the State employment bureau at Kneeland Street.

Supt. Walter L. Sears, of the bureau, very conservatively refrains from attributing this exceedingly slack demand for help (a most accurate barometer of general business conditions) to either the Pan European War, the low tariff adjustments, or to any one single thing. "I am simply interpreting the cold facts and figures that the work of this bureau records," he says, "when I say that the labor situation as reflected by our contact with it is discouraging."

"August is always a low point, almost the lowest of the yearly cycle; but the month just passed is far below the normal, both as to demand for help and for positions filled; and, of course, this slack demand is accompanied by its inevitable complement of swelling numbers of the unemployed."

3,000 CALL IN DAY.

"Yesterday, as a typical day, we had what we term an 'attendance' of 3,000 persons looking for work. To these 3,000 we had a grand total of just 82 jobs to offer.

"The average daily demand by employers for help of all classes for the month of August this year was 52, and the average of 'stars' or positions to which we actually supplied a successful applicant was 42 per day.

"For the same month last year we were receiving calls for help from employers at the rate of 82 a day and filling about 70 of these.

"Considerable of a falling off, you see—30 less for every single day of the whole month.

DEMAND NEVER SO LOW.

"That means that we have been compelled to turn away nearly 1,000 more job seekers during the month just passed than for the same period a year ago.

"In fact, it means that the demand for labor was never so low at this time of year in the history of this bureau, with the exception of the low-water mark following the 1907 panic, which resulted in the daily average requests for help during August, 1908, of 39 and an average of positions filled of 30."

The bureau's records show that the most pronounced depression in business activities, as divined from the labor demand of the respective branches, exists in the machinists' trades, closely followed by that of firemen and engineers. The building trades are also exceedingly dull. The printing trade is about the only branch of which it may be said that the conditions are positively "good."

"The war may have made things busy for the printers," admitted Supt. Sears. "I quite believe that a good many printing presses are running overtime in the attempt to keep up with the remarkable variety, not to say diversity, of the war news.

LITTLE RELIEF IN SIGHT.

"But in spite of all the talk about how that great struggle is going to boom things for this neutral country I am afraid that I can see little hope for any relief in the labor situation that can come out of the murder fest across the Atlantic.

"Not for a considerable period, say six months at the least, and probably a year, for it will take some time to get adjusted to new markets, if we can cultivate them in the South American and other peaceful countries.

"In fact, I should say that the interruption and disruption which we know has already been reflected in many industrial branches throughout the United States would create more idleness in the labor world before it lessened it.

"Understand, I do not say that this department has as yet observed any direct evidence of an increase in unemployment that can be directly laid to the European war situation; but we have the war and we have the lowest labor demand since the panic year."

But the depression in business is not confined to Boston, Mass. I find in reading the New York Sun of to-day the following:

BALDWIN PLANT TO CLOSE.

PHILADELPHIA, September 4.

Lack of orders has resulted in the announcement by the Baldwin Locomotive Works that the entire plant at Eddystone will be closed for an indefinite period after to-morrow.

Some of the employees were of the opinion that they would be transferred to the works in this city and were disappointed to learn that none of their services would be required. In normal times the plant at Eddystone gives employment to several thousand men. Latterly the force has been largely reduced and put on part time.

When asked for an explanation an official said that the war has nothing to do with it.

The attempt on the part of our Democratic friends to claim that depression in business is caused solely by the war in Europe demonstrates their great desire to have the people forget that they have been in power since Woodrow Wilson took the oath of office as President of the United States on March 4, 1913.

Since that time he has been framing legislation, and since April 4, 1913, he has been submitting it to the Congress, and all the existing machinery in both branches of the Congress has been working overtime in creating laws which we were promised would reduce the cost of living and create business success and nation-wide prosperity. In the President's first address delivered to the Congress in the House of Representatives he predicted that the tariff bill would remove the burdens of the American people, and that by enlargement of our imports from abroad the wits of our American manufacturers would be sharpened by the competition to which they would be subjected in this change of our revenue system.

The Underwood tariff bill, which was approved by the President, has been a law about 11 months. No one in his sober senses has the hardihood to claim now that this Underwood tariff law has fulfilled the expectations of those who promoted it, and the people of the United States are beginning to wonder why they cast their votes in such a reckless manner in the election of 1912 and gave to the Democratic Party the power to legislate, through failure to unite in opposition to their control of the executive and legislative branches of the Government.

The President told the Congress, after the tariff bill was enacted, that the banking system should be changed in order to meet conditions which would arise from the changed conditions growing out of the changes in our tariff laws.

The new banking and currency act, prepared under Executive supervision, was enacted into law.

The Reserve Board, largely a political proposition, was considered and reconsidered, and finally, after much deliberation, created, although the law providing for it had been passed several months previously. There was a banking act, known as the Aldrich-Vreeland Act, passed by a Republican Congress and signed by President Taft, which met very bitter opposition from the Democratic Party when it was considered by the Republican Party. This was after all a very fortunate piece of legislation, for it has been found to have been so wisely constructed as to meet the financial necessities of the Wilson administration, and they have very wisely concluded to avail themselves of its very wise and far-reaching provisions until the new banking act can be launched upon its career as one of the achievements of the Democratic administration. The Congress is still legislating. The administration still believes the people want more legislation.

I am firmly of the opinion that the people desire a rest. I believe the business men want to do business, and while the Congress is continually theorizing upon the remedies which they believe will restore prosperity they are exhausting the patience of the active business men and of the thoughtful voters, and they would exhibit greater wisdom if they postponed their unfinished legislation to a more convenient season.

Certainly the efforts of the Sixty-third Congress have not at this date produced the desired and long-promised prosperity.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting another article that I have.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] asks unanimous consent to extend his remarks in the RECORD by the insertion of an article. Is there objection? There was no objection.

Mr. RAKER. Mr. Chairman—

Mr. REED. Mr. Chairman, reserving the right to object—

The CHAIRMAN. It is too late. The request was granted. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, practically the same provision that is included in this bill is included also in the general leasing bill. The committee have the same provisions, or provisions similar to those that are provided for in the amendment offered by the gentleman from Maryland [Mr. Lewis]. The committee were unanimously in sympathy with and in favor of such rules and regulations, but curtailed the language of the amendment, and the intention was that each lease shall contain a provision that such rules for the safety and welfare of miners shall be provided for, and providing also for the safeguarding of the public welfare. We are heartily in favor of this entire legislation, and we believe that the provision in the bill carries these specifications now provided for. The language of the amendment is a special statement of what the committee intended by the general provisions of the bill. For fear of doubt, the members of the committee are in hearty accord with the amendment and in favor of its adoption. I therefore ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. Lewis].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, at the end of line 7, insert:

"All leases shall be granted upon condition that the United States shall at all times have a preference right to take, wherever found, so much of the produce of any mine or mines, opened upon the leased land, as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in any court of competent jurisdiction for the recovery of any additional sum or sums claimed to be justly due for the coal so taken."

Mr. MONDELL. Mr. Chairman, my amendment has two objects: First, to make it clear that in time of peace, as well as in time of war, the Government shall have the right to take any of the coal mined from these leased areas in Alaska for the use of the Army and the Navy and the Revenue-Cutter Service. It occurs to me it is an entirely proper provision and one that ought to be adopted.

The amendment has another purpose. That purpose is to establish a procedure under which it will be possible, if the administration considers it necessary, to determine what is a fair price for these Alaskan coals. Coals may be taken at the dock for the use of the Army and Navy or the Revenue-Cutter Serv-

ice at a price which the President considers reasonable. It might be wise to do that if the parties were demanding a price for their coal that was considered unreasonable. The coal would be taken and the price fixed. If the miner or operator was dissatisfied with the price he could go into the United States court in Alaska for the purpose of establishing his claim to a higher price, and then and there there could be a judicial determination of what was a fair price for these coals under those conditions of delivery. I believe the amendment to be eminently wise and proper. I believe it would serve many useful purposes.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. I would like to ask the gentleman for his view on this state of facts: A man has contracted for the sale of his products for 12 months ahead. I would like to ask the gentleman's view as to whether the United States in time of peace should have the right to go in and take that product which another party has brought or contracted for and thus deprive him, perhaps, of the opportunity for carrying on his work?

Mr. MONDELL. I think the Government unquestionably should have the right to do that, even in time of peace, if contracts had been made that denied the Government coal which it needed. But if the Government was simply taking over coal for the purpose of having a judicial determination of what was a fair price for coal, I assume that the amount taken would not be sufficient in any case to interfere seriously with any contract. I take it for granted that the Government officials would not desire to hamper an operator, or to embarrass the purchaser of coal by taking any great quantity under those circumstances. It would not be necessary to take any great quantity. But if a contract had been made which deprived the Government of coal that it needed in time of peace, the Government should have the right to take it. On the other hand, if it was taken for the purpose of establishing a fair price, for the purpose of determining what it was, the amount taken would not be enough to interfere seriously with the demands of trade.

Mr. TAYLOR of Colorado. Mr. Chairman, section 2 of this bill covers everything that we think ought to be included on this subject, and does it much better than the language offered by the gentleman from Wyoming [Mr. MONDELL]. The President of the United States is authorized to reserve 5,000 acres in the Bering River field and 7,000 acres in the Matanuska field, and in addition to that the Government of the United States has the right to go into the business itself if it is necessary at any time.

Mr. MONDELL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes, sir.

Mr. MONDELL. Does the gentleman from Colorado think it would be better to have the Government go into the mining of coal than to take coal already mined at a fair price?

Mr. TAYLOR of Colorado. We think that if the Government of the United States has all the powers that are given to it in section 2, it has all the powers it ought to have.

Mr. MONDELL. It gives the power to mine coal, but not the right to take coal already mined.

Mr. TAYLOR of Colorado. The Government has the power to mine coal and to reserve any or all of the land for that purpose.

Mr. MONDELL. What good does it do to reserve it, if the Government does not mine it?

Mr. TAYLOR of Colorado. In case of war or other emergency the Government has the power inherently to take coal or anything that may be necessary, and I do not think it is wise to insert in this law unnecessary provisions that will bring about complications and invite lawsuits. Under your amendment the Government might get sued by everybody up there. In the first place, I think it would be a very unwise—in fact, a bad proposition—to allow every coal dealer to sue the United States. That might involve us in very expensive and interminable litigation and would become a nuisance. The committee feels that section 2 and other provisions of the bill cover this matter sufficiently, and I hope the amendment of the gentleman from Wyoming will not be adopted.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 11, noes 56.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 11. That any such lease may be forfeited and canceled by an appropriate proceeding in a court of competent jurisdiction whenever the lessee fails to comply with any provision of this act, of the lease, or of general regulations promulgated under this act and in force at

the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

Mr. REILLY of Connecticut. Mr. Chairman, I move to strike out the last word. In answer to the wall let out by my distinguished friend from Massachusetts [Mr. GREENE] a few minutes ago, I should like to read from to-day's paper some more cheerful news along the same line. This is dated Boston, Mass., September 5—to-day—and is as follows:

BOSTONIANS PREDICT ERA OF PROSPERITY—GOOD BUSINESS AND LOWER PRICES FOR NECESSITIES OF LIFE FORESEEN BY EXPERTS.

BOSTON, MASS., September 5.

Prosperity, good business, and lower prices in the necessities of life were prophesied to-day by prominent Boston business men, manufacturers, and economic experts. Among the most hopeful opinions was that expressed by Charles C. Bancroft, president of the International Trust Co., and a leading representative of the textile interests.

"I feel quite sure business is going to be good," said Mr. Bancroft. "Soon the beneficial effects of the demand by European countries for us to supply food and other necessities is bound to be felt here. Of course there is no doubt but that the consuming power of European countries has been greatly reduced, but I think that this will be more than balanced by the increase in the demand on this country for products which Europe could formerly supply for herself."

IS ALSO OPTIMISTIC.

Maj. Henry L. Higginson, of Lee, Higginson & Co., was also an optimist. He said he based much of his hope on the increased business we shall receive from South American countries. "The European war means that the people of this country have got to work like mad," he said. "Though business is dull at present, there will be a marked improvement soon. There should come more business presently, especially in the cotton manufactories. The war will be a bad thing for the cotton growers here, but a good thing for the manufacturers."

Also in the optimists' club, though not so confident as to the future, was John S. Lawrence, of Lawrence & Co., cotton manufacturers. "Though it is impossible to prophecy as to the future, it seems certain the fabric of the country has stood up remarkably well so far," he said. "In the face of this sudden upset in the world, conditions here have remained strikingly normal, and I am glad I am an American."

[Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the last two words.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman has addressed the committee on this very section once.

The CHAIRMAN. The gentleman from Connecticut is mistaken. The gentleman from Massachusetts moves to strike out the last two words.

Mr. DONOVAN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Debate on this bill is confined to the subject matter. Is not that true?

The CHAIRMAN. It is.

Mr. DONOVAN. I am going to make the point of order if any other subject is talked about.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. FERRIS. Inasmuch as we have had five minutes on that side and five minutes on this side, both in violation of the rule, does not the gentleman think we ought to quit?

Mr. GREENE of Massachusetts. I should like five minutes more.

Mr. FERRIS. That will call for five minutes more over here.

Mr. GREENE of Massachusetts. Mr. Chairman, the gentleman from Connecticut [Mr. REILLY], who has just taken his seat, has referred to Henry L. Higginson, of Boston, as a prominent Republican. I do not think he is. He was a prominent supporter of Woodrow Wilson, and, so far as I know, has not been prominent in any way in the Republican Party, and I think I am well informed as to who are prominent in the Republican Party of Massachusetts. But I have an article here that was taken from yesterday's Boston Advertiser, which is as late as I am able to obtain, because this paper came from Boston to-day. It reads as follows:

WAR'S EFFECT ON THE IMPORTS IS SLIGHT—FIGURES FOR FIRST MONTH SHOW NO CRYING NECESSITY FOR PROPOSED REVENUE TAX BY GOVERNMENT, SAY OFFICIALS.

The foreign import figures at the port of Boston for the first month of the war show no crying necessity for the administration's proposed extraordinary internal-revenue taxes, which would put a penalty upon such comforts and relaxations as baseball and theaters, beer and temperance drinks, perfumery, and tobacco, according to local officials—

Those officials are Democratic officials—

True, there has been a considerable falling off in the customs duties collected at Boston during August as compared with August of a year ago.

The figures are \$897,817, as against \$1,580,290 in 1913, a shrinkage of \$682,473 for the month.

But this loss of \$22,015 per day which the Federal Government has been sustaining during the 31 days that the European war has been raging, while a serious proportionate loss of income, is in no way attributable to the war, as is conclusively shown by the Boston custom-house figures recording the comparative values of imports received at this port during August, 1914, and August, 1913; before the new low tariff bill was in effect.

According to these figures, the total value of all foreign imports brought into this country through the port of Boston in August, 1914, was \$11,054,866, while in August, 1913, the total value of such imports was \$7,271,866.

The "war month," then, has brought in \$3,783,000 more of value in imports at Boston than the same period a year ago, and the discrepancy in money receipts is thus shown to be solely due to the low rate of tariffs that are now being collected under the new law from this very appreciably increased volume of incoming foreign-produced goods.

The figures of the customs department recording the number of ships arriving at Boston from foreign ports during August of this year also bear out the conclusion that there has been no such extraordinary depreciation of foreign imports, at Boston at least, as to warrant the characterization of any extraordinary internal-revenue measure which the administration may find imperative as a "war tax," the necessity for which has been precipitated by the exigencies of the European situation.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. The gentleman from Massachusetts questions my designation of Henry L. Higginson as a prominent Republican?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. And he bases his objection to that statement evidently upon the fact that Mr. Higginson supported Woodrow Wilson?

Mr. GREENE of Massachusetts. Yes.

Mr. REILLY of Connecticut. I wish to say that he is not the only prominent Republican who supported Woodrow Wilson and voted for him, nor is he the only one, but is one of many, who will gladly do so again. [Applause on the Democratic side.]

Mr. GREENE of Massachusetts. That is only the gentleman's opinion.

Mr. Chairman, I examined the article in the Washington Times of this morning, which was quoted in the remarks made by the gentleman from Connecticut [Mr. REILLY], and find that the gentleman only quoted the portion of the article that he desired to use. I quote the remainder of the article, as follows:

IN CHAOTIC CONDITION.

Secretary Briggs, of the Fruit and Produce Exchange, likewise insisted that he was an optimist, but not a prophet. "Things are in a chaotic condition," he said.

"Of the perishable foodstuffs handled by the members of our organization I see no reason why the prices should go any higher. I look for no trouble; yet, in view of the uncertainty of the present conditions, nothing could surprise me."

Secretary Thomas F. Anderson, of the New England Shoe and Leather Association, said he could see only months of depression ahead. "This war can bring benefit to no country," he said. "I think we are bound to have several months of depression, and even following these I do not think there can be any boom that will bring conditions up to much better than normal. I think New England shoe men expect a raise in the price of shoes, owing to the scarcity of leather."

The article which I quoted from the Boston Advertiser demonstrates very clearly that the necessity for the war tax, as it is denominated in the President's address to the Congress, does not arise from decreased importations in amount or value, for therein it is shown that the total value of all imports at the Boston customhouse for the month of August, 1913, was \$7,271,866, while the value of importations at the Boston customhouse for the month of August, 1914, was \$11,054,866.

I have not figures showing the total imports into the United States for the months of August for 1913 and 1914, but I call to your attention the fact that the shrinkage in revenue at the port of Boston for August, 1914, was \$682,473 in comparison with the revenue received there during the month of August, 1913. The Underwood tariff, we were told, was to be a tariff for revenue, and by reason of that feature of the law it was to produce the revenue and remove the burdens resting upon the American people.

At its first real test it demonstrates its utter failure as a revenue producer.

Only yesterday President Wilson appeared before the Congress and showed plainly the utter failure of the law. I admire the frankness of his statement that more money is required to place the United States Treasury in proper condition to meet the requirements that may confront the Government at no distant date in the future.

But I respectfully call his attention and the attention of the country to the fact that the deficiency of revenue revealed in the figures showing the relative decrease of receipts at the Boston customhouse during the month of August, 1914, in comparison with the receipts of said customhouse during the month of August, 1913, and submit the question as to whether or not these facts, together with the further fact that his address shows that the deficiency of revenues in all the customhouses of the country during the month of August, 1914, was \$10,629,538, as compared with the revenues of the corresponding month last

year, do not demonstrate very clearly that the much-vaunted Underwood tariff law in the great essential of safety to the Treasury and benefit to the country is a colossal failure.

Mr. Chairman, the Congress will not hesitate to perform its duty in trying to produce the revenue needed in accordance with the request of the President; but is not the problem of raising this needed revenue a very troublesome one? Unless we have purely a "tariff for revenue only"—and has not that been the slogan of the Democracy for lo! these many, many years?—how will they raise the money? This new tax proposition is called a war tax. A war tax, forsooth, and yet the United States is at peace with all the world, and many an exuberant Democratic exhorter has proclaimed the fact that the European war was to confer prosperity upon the United States; and while Democracy's hopes of retaining power in the next election had been waning of late, this European war had providentially broken out, and, by reason of that distressing war, the Democratic Party would be granted a new lease of life at the hands of the American voters in the election in November, 1914.

This proposed tax is not, in fact, a war tax; it will simply be an additional burden required to be borne by the American people, because the Underwood Tariff Act failed as a revenue producer, and the further fact that the Sixty-third Congress, with the Presidency, the Senate, and the House of Representatives all in the control of the Democratic Party, has not been an economical Congress, but, on the other hand, it has been an extravagant Congress, and it now has a number of schemes in embryo which call for the expenditure of many millions more.

There is an undeveloped scheme for building up an American merchant marine by purchasing foreign-built vessels and having them maintained at the expense of the Government, and if they do not prove profitable the loss will be paid out of the United States Treasury. In other words, it is to be a scheme of Government ownership, in fact, which no one believes can be maintained except at a distinct loss, and no man at this time will attempt to foreshadow how great that loss will be. By the purchase of foreign ships it will in no sense increase the over-sea carrying trade. The only redeeming feature about the scheme would be that a few American flags might be seen upon the ocean upon foreign-built ships as long as the United States Treasury contained money enough to keep them afloat.

For many years the Providence Journal, published at Providence, R. I., has been a consistent supporter of the Democratic theory of a tariff for revenue only. It strongly supported the candidacies of the late President Cleveland, and it was one of the strongest and most earnest supporters of President Wilson and the Democratic Party during the campaign of 1912. I append an editorial which appeared in the Providence Journal of September 3, 1914, entitled "As to the war taxes":

If Congress is prudent at this crisis, instead of imprudent as ordinarily, it will arrange the schedule of so-called war taxes in a way that shall keep the individual man and his wife—particularly, perhaps, the latter—from "feeling" the additional burden.

The suggestion, for example, that "soft drinks" be taxed is an unwary one. As well tax tea or coffee as the soda fountain. No Congress for a number of years has dared tax tea and coffee, although these imports would be magnificent producers. They are, indeed, logically indicated where a Congress, like the present one, is dedicated to tariff reform—taxes for revenue solely rather than for protection.

The distress of the Treasury at the present time might be entirely relieved by a small duty on tea and coffee. But Congress will not dare it. The presumption is that Congress will strive not to depart from the practice of concealing taxes as far as possible from the knowledge of the plain people. There is wide latitude for laying direct taxes, to be sure, under the constitutional amendment which has passed with the income tax chiefly in view. But Congress will scarcely venture to use its new power very liberally.

The economists in Washington must be well aware that the country is groaning under the weight of living costs, coupled with a depletion of incomes from the day's work. The man in the street is beginning to understand, moreover, as never before, that appropriations for the support of the Government come out of his pocket, indirectly if not directly, and it is being borne in upon him that the present administration is fully as extravagant with appropriations as any of its predecessors have been. He will not relish being "touched" directly by fresh taxation.

The country is not at war. It is not obligated for the support of a great army and fleet in an emergency threatening the life of the Nation. The situation is, simply, that a war 3,000 miles distant is putting the Treasury to unfamiliar embarrassment on top of some embarrassment it was already experiencing. The Government is caught unprepared for the proverbial rainy day; that is all there is to it. Roughly estimated, what the Government needs is \$100,000,000 for the coming year, over and above what it expects to get from the sources now supplying it. But it is not so sure that some part of this would not have been needed if the war in Europe had not come about.

The estimate, of course, is based on the assumption that the Government must continue to be supported at the pace it was going before the new complication was encountered. The country may ask, however, Why keep up the pace? One hundred millions mean \$1 on every man, woman, and child—a rather oppressive supertax. On the other hand, the sum needed is less than 10 per cent of the national budget. Is it beyond the capacity of Congress to cut expenses by so moderate a fraction as that or by part of it? With the most ingenious arrangement that can be contrived, to spare the man and his wife from realizing it when

the taxgatherer makes his special "war" call, Congress will not escape having that blunt question put to it.

The Clerk read as follows:

SEC. 12. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require, and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

Mr. PAYNE. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from Oklahoma if the object of this is to punish anybody for perjury.

Mr. FERRIS. Yes; if they make false written report under oath.

Mr. PAYNE. Why did not the committee put it into such shape that they could do so? It would be utterly impossible to convict anybody of perjury under this section, it is so loosely drawn. It says:

And any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

You can not convict a person of perjury under such language as that. The language is as worthless as though it was not there, in my judgment.

Mr. FERRIS. I do not remember just what was said about it at the time it went into the bill, but I think, and I am so informed by members of the committee, that there is ample precedent for the language; but if the gentleman from New York has anything to offer—

Mr. PAYNE. I am not going to offer any amendment, but I think the gentleman ought to see to it that proper language on this subject is put into the bill. I think they ought to be punished for perjury if they make a false statement, but it will be necessary to enlarge the language of this section; they must be guilty of perjury, and upon conviction shall be punished. I think it is going pretty far to convict a man of false representations in such loose language. Now, the gentleman from Connecticut [Mr. REILLY] just read and indorsed something that was said in the newspaper in the nature of a prophecy—that old gag that we have had for nearly two years, that we are right on the verge of prosperity. You can not convict a man for making such a representation as that, and I should hate to see my friend from Connecticut pursued under any such provision of law. There is danger that some such honest citizen as my friend from Connecticut may be pursued under this language. I do not think you could convict anybody and punish him for perjury under such loose language as there is in this section.

Mr. FERRIS. Mr. Chairman, it was the thought of the committee that the language would accomplish the end desired, and if the gentleman has no amendment to offer I think we had better let it stand. If it should be as faulty as the gentleman thinks, it can be attended to by the Senate or in conference. I am sure, and I feel sure the committee agrees with me, that if the gentleman from New York has a suggestion we always welcome it. I think the language, however, will do the business.

Mr. MONDELL. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Page 10, at the end of line 22, insert the following as a new section: "SEC. 13. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 13. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 11, at the end of line 2, insert a new section, as follows: "SEC. 14. That 50 per cent of all moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the 'Alaska fund' in the Treasury of the United States and be used for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,

as the Legislature of Alaska may provide, and 50 per cent of the said proceeds shall be paid into the Treasury of the United States for the construction of railroads in Alaska as now provided by law."

Mr. MONDELL. Mr. Chairman, Alaska does not and will not have many sources of income for the carrying on of its government, for the construction of roads, for the building of school-houses and the maintenance of schools, except such funds as are obtained from her mining properties.

It is proposed to take from Alaska all of the rents and royalties collected on all of her coal lands and use these sums for the building of railroads in Alaska. I did not vote for the Alaskan railroad bill because I did not believe it was necessary for the Government to spend its money in that way, provided we opened the coal mines.

But, however that may be, while it is important that Alaska shall have railroads, it is also important that Alaska shall have wagon roads, shall have schools, shall have her insane cared for, and shall be able to maintain her government. Never before in our country has it been proposed, except under the water-power bill which we passed a few days ago, to take from communities their very largest and most profitable sources of income and dedicate them to uses of no direct advantage to the community, except as the community in the one case would be served by the reclamation law, or projects built under it, or in this case by the construction of railroads.

It is not fair to take from the people of Alaska all of their principal sources of income. I do not know whether the improvements on these mines could be taxed in Alaska or not. I do not know whether Alaska, through her legislature, could place an output tax on this coal in addition to the Federal royalty on it. My opinion is that the latter could not be done. It is questionable whether the former source of revenue would be available. That being the case, we are proposing to take from Alaska practically the only large source of her income, which is royalties on her mines and mining property. I do not think it is fair, and certainly not a very liberal procedure. It takes from the liberality of our legislation relative to railroad construction because of the fact that we are simply proposing that Alaska shall use her own resources, her own income, for the building of her railroads. Certainly she needs some of it for roads, schools, and other governmental purposes. [Applause.]

Mr. FERRIS. Mr. Chairman, I offer the following as a substitute for the amendment of the gentleman from Wyoming.

The Clerk read as follows:

Substitute for the amendment of Mr. MONDELL:

"SEC. 14. All moneys received under the provisions of this act shall be covered into the Treasury as miscellaneous receipts in accordance with section 3 of the Alaskan railway act, approved March 12, 1914."

Mr. FERRIS. Mr. Chairman, section 3, page 3, of the Alaskan railroad bill provides as follows:

SEC. 3. That all moneys derived from the lease, sale, or disposal of any of the public lands, including town sites, in Alaska, or the coal or mineral therein contained, or the timber thereon, and the earnings of said railroad or railroads, together with the earnings of the telegraph and telephone lines constructed under this act, above maintenance charges and operating expenses, shall be paid into the Treasury of the United States as other miscellaneous receipts are paid, and a separate account thereof shall be kept and annually reported to Congress.

Mr. Chairman, this resolves itself into this: On March 12, 1914, we agreed that the Alaskan receipts should go into a fund to pay for the Alaskan railroad. The gentleman from Wyoming [Mr. MONDELL], in offering such an amendment, becomes a repudiationist. To so soon after the passage of the Alaskan railway bill offer an amendment which says that the moneys derived from the sale of coal shall go into some local fund, as distinct from the railroad fund, I think is not good faith.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. No; let me proceed.

Mr. MONDELL. For just one question?

Mr. FERRIS. No; I want to go on.

Mr. MONDELL. The gentleman used the word "we." Did he vote for the Alaskan railroad bill?

Mr. FERRIS. Mr. Chairman, the gentleman talks all the time, and I have taken very little of the time of the committee. I do not know how others may feel, but surely if the gentleman from Alaska and the committee and the Alaskan people are honest enough to do what they agreed to do on March 12, 1914, the gentleman from Wyoming should not try to make repudiation out of it. There is no other alternative to this. Here is section 3 of the Alaskan railroad bill, which provides what shall be done, and the section I have just offered as a substitute for the amendment offered by the gentleman from Wyoming provides that we shall do that identical thing. Does anyone now want to take back what we have already said and refuse to do what we agreed to do on March 12, 1914? Does anyone think the coal lands of Alaska ought to be sold and the money

put into some local fund when we agreed to take that money and pay for the Government railroad appropriation? I am sure the people of Alaska will not be misled by any such amendment as that. The amendment has been offered, undoubtedly, to try to make unpopular this legislation, but the people in Alaska, I take it, are fair enough and square enough to do the thing that they agreed to do when they got the railroad bill passed; and that is all that my substitute does. It merely stands by the Alaskan railway bill provision which was agreed to by Congress.

The CHAIRMAN. The question is on the substitute of the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 80, noes 4.

So the substitute was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Wyoming as amended by the substitute of the gentleman from Oklahoma.

Mr. FERRIS. It is really a substitute.

The CHAIRMAN. But it must be adopted.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That paragraph has been passed. The gentleman offered a new section.

Mr. MONDELL. I desire to discuss this paragraph.

The CHAIRMAN. The other section has been passed. The Clerk will read.

The Clerk read as follows:

SEC. 14. That on and after the approval of this act no lands in Alaska containing deposits of coal shall be disposed of or acquired in any manner except as provided in this act: *Provided*, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 9, strike out the period, insert a colon, and add the following:

"Provided further, That whenever any of the coal lands of Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant, the Attorney General of the United States or such settler, locator, or other claimant is hereby authorized to bring a suit in equity in the judicial district where the land is situated to quiet title thereto: *And provided further*, That the United States or the claimant so bringing said suit may appeal said cause in the manner provided by the laws relating to appeals from said courts, and if the final decree in such cause shall be in favor of the United States, and if the said claimant or locator be held to have no right to or equity in said land, and his location or entry be canceled and held for naught, then the lands embraced therein shall be forthwith subject to disposal under the provisions of this act."

Mr. FERRIS. Mr. Chairman, I make the point of order on that. It deals with every sort of land and provision and every sort of provision.

Mr. HAWLEY. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HAWLEY. Mr. Chairman, the proviso in section 14 as contained in the bill provides that proceedings now pending relative to claims initiated in Alaska shall be carried to a determination irrespective of the passage of this bill. The two additional provisos that I offer simply authorize methods of determining the claims of rival claimants by the determination of the courts. The Territory of Alaska is a long way from the seat of government. There are many conflicting claims. If these claims can be determined in a United States court, with the power of appeal to the higher courts, all interests will be safeguarded, especially those of the United States, and the claimants of small individual entries who have been unable to have action taken on their claims by the department will be able to have them decided for or against them, as the merits of their cases may justify. The people of the country have great confidence in the courts. Some citizens of Oregon, having small, individual holdings and desiring some action taken on them after so long a delay, have suggested some such amendment. If an appeal to the courts is authorized, witnesses can be summoned, a hearing given to these people on the merits of their claims—whether they are claims disputed between individual parties or claims in which the United States Government holds that the claimant has not complied with the law—and the cases determined as cases are in the usual manner in the courts.

The CHAIRMAN. The Chair is prepared to rule. The bill provides for the leasing of coal lands in the Territory of Alaska.

The paragraph under consideration provides that the passage of this act shall not affect any proceedings now pending in the Department of the Interior. It reads as follows:

Provided, That the passage of this act shall not affect any proceeding now pending in the Department of the Interior, and any such proceeding may be carried to a final determination in said department notwithstanding the passage hereof.

The amendment of the gentleman from Oregon provides that if there be any controversy between certain locators as to any of the lands affected by the pending bill the question shall be determined in the manner provided in the amendment. Any proceedings now pending in the Interior Department, so far as the Chair is aware, may be proceedings to determine the rights of individual locators. Since the bill relates directly to such proceedings and saves them for final determination regardless of the provisions of the bill, any amendment proposing to dispose of such controversies in another manner, or providing for the settlement of other controversies that may arise regarding the lands affected by the bill, is germane and in order. The Chair overrules the point of order, and the gentleman from Oregon is recognized on his amendment.

Mr. HAWLEY. Mr. Chairman, the purpose of this amendment, as I stated a moment ago, and will repeat briefly, is to authorize those who have claims in Alaska which may be in dispute as between individual claimants, or where the Government of the United States holds they have not complied with the law, to have their cases tried out on their merits before the district court in which the claims are located, with appeal to the higher courts. This will be greatly to the convenience of the claimants and the promotion of justice. I believe we all have confidence in the honor and integrity of the courts. All the facts relating to these claims are in Alaska. All the witnesses and evidence are there, and the department can be represented there, as it will necessarily be, if it takes the proceedings into its own hands, for they will need to send men there to ascertain the facts and prepare the cases, even if they are to be decided here in Washington, 6,000 miles from the location of the claim.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HAWLEY. With pleasure.

Mr. RAKER. This amendment would reinstate these 560 claims that have been decided against the claimants by the Secretary of the Interior?

Mr. HAWLEY. Not unless they are pending in the department and unsettled.

Mr. RAKER. But they are pending until disposed of.

Mr. HAWLEY. If they have been decided finally, they would not be affected.

Mr. RAKER. Let me call the gentleman's attention to the fact that the proviso says:

That whenever any coal lands in Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant.

Those people are all still claiming, and you put in all the adjudicated cases, all those over which there has been so much trouble and dispute, and they are sent back on the ground that you give these parties a chance to readjudicate their matters. Is not that the gentleman's view of it?

Mr. MANN. I would like to ask the gentleman from Oregon a question.

The CHAIRMAN. Does the gentleman yield?

Mr. HAWLEY. As I understand the amendment, which was taken from the bill introduced by Mr. BOOHER, of Missouri, July 13, 1912. H. R. 25749, Sixty-second Congress, second session, and was prepared or approved, as I understand it, by Secretary Fisher—

Mr. FERRIS. No.

Mr. HAWLEY (continuing). To meet conditions in Alaska.

Mr. FERRIS. Mr. Chairman, I do not think that Secretary Fisher ought to be cited as having prepared the bill. I do not think he had anything to do with it.

Mr. RAKER. The gentleman's amendment says that any settler or locator or other claimant may go into court in regard to these claims.

Mr. MANN. Would the gentleman from Oregon yield for a question?

Mr. HAWLEY. Certainly.

Mr. MANN. What is the purpose of the gentleman's amendment?

Mr. HAWLEY. That in case of an unsettled claim, where two parties are disputing the right to a claim, or in case where the Government in any unsettled claim now pending holds that the party is not entitled to his claim, the United States, on the one hand, or the parties interested, on the other, can cause the matter to come before the district court of the United States

in which the claim is located for settlement according to the usual course of law, with appeal to the higher courts.

Mr. MANN. Then, as I understand, the purpose of the amendment is to take out of the control of the Interior Department the settlement of these claims and turn them over to a local court in Alaska.

Mr. HAWLEY. To the district court of the United States, with right of appeal.

Mr. MANN. Does the gentleman think that is safe?

Mr. HAWLEY. If the courts of the country can not be trusted, I do not know where trust or confidence can be placed.

Mr. MANN. There are many cases where we do not leave to local courts the determination of questions of this kind. We determine those in the department all the time. You can not go into court in any of these—

Mr. HUMPHREY of Washington. You do in these coal cases.

Mr. MANN. One gentleman has just said they do not; I do not know what the facts are, but under the law they determine them in the department. Now it is proposed we shall turn them over to a local court in Alaska, and that is a long way off, and they are very apt to be bad.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FALCONER. Will the gentleman yield? I would like to ask the gentleman if it is not a fact that Alaska has something of a history as regards the district courts and their effect upon litigation, particularly on mines and mining in that Territory. Ought not that to preclude the possibility of the suggestion made by the amendment of the gentleman?

Mr. FERRIS. Mr. Chairman, I take it that the House is not ready to give up and allow to pass to patent the Cunningham coal claims and all the fraudulent claims sought to be obtained in Alaska.

I take it there is little desire in this House to furnish to fraudulent claimants a new court, a separate court, a distinct court and remedy they did not have when they first initiated the claims. I do not think the House for a moment will seriously consider doing that. This has been their sole contention; this is what they want; this is what they have always wanted.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. FERRIS. I regret I can not. To show the House, Mr. Chairman, what has been going on up there, let me give some figures. There are 1,123 coal claims filed in Alaska in the coal areas, mostly in the Bering River and the Matanuska fields. Five hundred and sixty-three of them have been tried, two have passed to patent, 561 have been denied on account of fraud. Five hundred and sixty-six of them are still pending, and the chances are that most of them will go the same route as the 561 went. Is this not sufficient proof that fraud has run rampant up there?

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FERRIS. Just let me proceed for a moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. FERRIS. I can not answer a dozen speeches at once. Now let me answer the gentleman from Oregon. Now, as our bill stands, they have the same rights that they had when they initiated their claims. They have the same General Land Office; they have the same local land office; they have the same Interior Department. Of course they have not the same personnel, but they have the same machinery, and in addition to that they have a western Secretary of the Interior, a western Commissioner of the General Land Office, and they have the local officers that are appointed from the body politic up there.

Can anyone say with good conscience, with a western Commissioner of the General Land Office, with a western Secretary of the Interior, with westerners appointed as their local land officers, they will not give these people full justice? And if not, why not? No one can stand for a moment, I think, and well defend an amendment of that sort. That is precisely what these claimants have wanted for eight years. That is the precise thing that caused opposition to every bill that has been brought in here. If they can get that amendment, they do not care what else happens to Alaska. Under that they would get all the coal lands up there. All these claims I fear would find their way to patent, and this leasing bill may as well not be passed.

It was the thought of ex-Secretary Fisher, and it is the thought of Secretary Lane, to pass an intelligent leasing bill that will open and protect Alaska; and it is not the thought, I think, of any Member of this House, in either of the three parties in this House, to give those claimants a new trial, an additional trial, and a chance to get away with a claim in the local courts of Alaska. And, in addition to that, it would give them the opportunity to hold up the operation of this law, by continued litigation, until it would not amount to waste paper.

I now yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Unless my colleague wishes to ask a question—

Mr. JOHNSON of Washington. I understood the gentleman to say that this would give back the Cunningham claims to some one?

Mr. FERRIS. This would give them a new chance to get them to patent.

Mr. JOHNSON of Washington. Is it not really a fact that the Cunningham claims have been absolutely canceled, and that in all the Katella coal field the only claims that can possibly be leased within any reasonable length of time under this bill are the Cunningham claims? Are not the probabilities about ninety-nine to one that they will be leased by the Guggenheims? Does Congress and the public realize this?

Mr. FERRIS. I am informed that there are only 33 Cunningham claims, so if they were denied this would open them up and cause trouble. There are many others just as bad as those Cunningham claims, and if we give relief to those that are yet pending, no doubt they will immediately be in and ask for a new trial and hearing and a reopening of the cases that have already been adjudicated. This fraudulent claim business has been on the boards so long most of the House Members know what it is. This amendment simply will not do. It ought to be defeated unanimously.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word.

I want to emphatically deny that I am in favor of any amendment that will open up the Cunningham claims. I do not believe this amendment would do so. Those claims that have been settled I do not think anyone wants to have retried; but the purpose of this amendment, as I understand, is to give some action on those coal claims. I am decidedly in favor of an amendment to this bill that will lead to an honest determination of the coal claims. No honest man can object to any proposition that will bring about that result. Now, the gentleman spoke about 400 or 500 claims, and I wanted to ask him about them. I doubt whether any of those have been contested claims—although, perhaps, some of them have, but most of them have been voluntarily abandoned.

Mr. FERRIS. I know what the Land Office officials said about it.

Mr. HUMPHREY of Washington. How many were contested?

Mr. FERRIS. About 550.

Mr. HUMPHREY of Washington. How many of them where the claimant appeared and attempted to have his claim enforced?

Mr. FERRIS. I have not that before me.

Mr. HUMPHREY of Washington. This amendment, as I understand it, is to give those claimants somewhere a place where their claims can be settled. As I said the other day, some of these claims have been pending for seven years, and this amendment would not only help the coal claimant—help him to get justice and help the Government—but it would help the cowardly officials in the Interior Department and in every place whose duty it is to act upon these claims. For seven years we have not had an official that had the courage to stand up and do his duty and decide these coal claims. If these claims are fraudulent, let us have it so decided and end this controversy. Can any honest man object to that?

Now, the gentleman talks about a western gentleman in the Department of the Interior to-day, and he is a western man. We in that portion of the country felt very much gratified that he had taken that position. But what is he doing in these coal claims? Not what is he going to do, but what has he done? For 18 months he has been in office. Has he decided any of these contests? If not, why?

Now, I submitted a letter to the Secretary of the Interior several days ago, asking him how many of these coal claims had been decided. I have not received any answer.

Mr. FERRIS. I have the figures here from him.

Mr. HUMPHREY of Washington. How many contested cases have been decided since that time?

Mr. FERRIS. Five hundred and sixty-one have been reached and adjudicated, 2 have been patented, and 586 are still pending.

Mr. HUMPHREY of Washington. Since when? Since the 4th day of March, 1913?

Mr. FERRIS. Oh, no; since they were filed.

Mr. HUMPHREY of Washington. I do not know whether it is true or not, and I am only making it upon authority given to me, but I had a man come to me and say to me there has

not been a single contested coal claim in Alaska decided since this administration went into power.

Mr. FERRIS. Who says that?

Mr. HUMPHREY of Washington. I am not going to tell you who said it, because he is a Member of this House; and I do not propose, without his consent, to give his name at this time. The question is whether it is true or not, not who said it.

I will make another statement, and I will give the gentleman authority for that if he wants, and that is as to the claim of Mr. MacDonald. He makes the statement that his claim has been passed by every subordinate connected with the department, and it has gone up to the Secretary and been on his table for weeks, and he refuses to decide it. Why? If we can not get anyone in the Interior Department who has the courage to do his duty, if we are to forever have that office filled with men who possess no spinal column, who are afraid that somebody is going to accuse them of not being conservationists if they decide these cases, then why not put in an amendment and let these claimants go to the courts?

Mr. FERRIS. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. FERRIS. It is not partisan with the gentleman, but it is practical with the gentleman.

Mr. HUMPHREY of Washington. It is not partisan.

Mr. FERRIS. All through Secretary Fisher's administration the gentleman was railing against the department just as he is now, and all through Secretary Lane's administration, so far, the gentleman has been railing against the department, and I presume the gentleman will continue to do so. If you rail because an eastern man will not do what you want, and if Secretary Lane, who is a western man and used to run a paper in the gentleman's own State, will not do what he desires, pray tell where will we get a Secretary of the Interior that will please the gentleman from Washington?

Mr. HUMPHREY of Washington. I will not rail against a man from the East or from the West if he has the courage to do his duty, but if he is a contemptible coward I am against him. Geography makes no difference on this question.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to proceed for five minutes more.

Mr. DONOVAN. Mr. Chairman, I am going to object. We are operating under the five-minute rule.

The CHAIRMAN. Does the gentleman object?

Mr. DONOVAN. I will object.

Mr. HUMPHREY of Washington. Mr. Chairman, did the gentleman object?

Mr. DONOVAN. Yes.

Mr. RAKER rose.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, this subject matter was fully covered by the committee. There is no need in trying to disguise the object, the purpose, and the intent of this amendment by attacking the officials of the Government.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. Yes; I yield.

Mr. JOHNSON of Washington. Is it not a fact that Secretary Lane, in the book entitled "Red Tape in Alaska," calls attention to the necessity of doing something along those very lines on account of the delay in the mails back and forth, and the fact that some of these cases have been hung up five or six years? Take, for instance, the claim of T. P. McDonald—

Mr. RAKER. No; what he says in that statement does not apply to this bill. Secretary Lane is in favor of this bill, but is opposed to such legislation as is contemplated by the amendment. I want to explain the provision. The testimony before the committee shows that there is practically not one single claim to coal lands in Alaska, out of 500 claims that have been adjudicated against those people, that has been surrendered. The evidence shows that the claimants are still in possession, or claiming possession, of the land. They or their grantees are still claiming that land, and they are trying now to get a provision to wipe out all the laws on the statute books relating to the disposition of the public domain and to turn it over to the courts in Alaska to decide.

That is the purpose of this amendment, and the testimony of the Commissioner of the General Land Office shows the reason

why the remainder of these claims have not been decided; and the reason is that they will not submit their claims to the department. There is only one—

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. I can not yield just now. There is only one claim that has been submitted. They have not offered their final proof, and therefore there can be no decision.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Washington?

Mr. RAKER. Yes.

Mr. FALCONER. What was the particular claim that presented its credentials in this matter?

Mr. RAKER. I do not know. But the Commissioner of the General Land Office says:

There is one application in my office now, which has been argued very extensively, which is such an application. The Cunningham people refused to come in under that act.

Mr. RAKER. Then, really, as a matter of fact, the want of development and the want of proper application, after they have complied with the law, has been due to the acts of the individuals themselves?

Mr. TALLMAN. Yes; and combined with a general blanket withdrawal and a blanket with a lot of charges against everybody who had entered the Alaska coal lands. Charges have been preferred against almost every entryman. Of course that was on the theory that there had been tremendous fraud attempted to be perpetrated.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. COOPER. From what was the gentleman reading?

Mr. RAKER. From the testimony of Mr. Tallman, on page 45 of the committee hearings.

Mr. HUMPHREY of Washington. Who is he?

Mr. RAKER. The Commissioner of the General Land Office.

Mr. HUMPHREY of Washington. What is the date of it? When was it?

Mr. RAKER. I will give the date in a moment. It was on February 23 of this year.

Mr. COOPER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from California still has the floor. His time has not expired yet.

Mr. RAKER. Let us read the provision of this amendment. It reads:

Provided further, That whenever any of the coal lands of Alaska otherwise subject to the provisions of this act shall be claimed by any settler or locator or other claimant, the Attorney General of the United States or such settler, locator, or other claimant is hereby authorized to bring a suit in equity in the judicial district where the mine is situated to quiet title thereto.

It is stated now, and the record shows it, that there has been practically no surrender of the claims, no surrender of possession by the original locators and their grantees. The 500 cases that have been decided against these claimants on account of gross frauds would, under this amendment, be sent back into the Federal courts of Alaska for adjudication, and the cases of these parties would there be determined, thus wiping out and ending and disposing of the general laws in regard to the disposition of the public lands. And it would be the same way in regard to the other cases that are undisposed of. In other words, this is an innovation in which it is proposed that over half of the claims that have been determined by actual decision and final determination by the Department of the Interior to be fraudulent and illegal are to be readjudicated, and you are going to put the other 600-and-odd claimants that are now held up on account of alleged fraud and other charges of illegality and irregularity with the other class and say to these people, "Notwithstanding your fraud, notwithstanding your violation of the law, notwithstanding your violation of every principle that should have guided you in filing upon these claims and your working of them, you may still go ahead improving them and developing them, and we will give you an opportunity to do so," and also provide a new tribunal and have your cases readjudicated and all different from all other land cases. This will not do, and this attempted effort should be unanimously defeated. Had the gentleman from Oregon [Mr. HAWLEY] fully considered his amendment I am sure he would not have presented it. He should withdraw it, otherwise the committee will certainly with one voice defeat it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask for two minutes in which to complete my statement.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

Mr. LENROOT rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. MANN. Can we not close debate on this section very soon?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 8 minutes the debate on this section close; 2 minutes to be used by the gentleman from Wisconsin [Mr. LENROOT]. Or, Mr. Chairman, let us make it 12 minutes. The gentleman from Illinois wants to say a word.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that all debate on the pending section and amendments thereto close in 12 minutes. Is there objection?

Mr. MONDELL. Mr. Chairman, I do not understand what this request is.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin has 5 minutes.

Mr. FERRIS. No, Mr. Chairman; 2 minutes.

Mr. LENROOT. Mr. Chairman, if this amendment should be adopted, it would revive the Cunningham claims, and it would revive every claim that has been passed upon by the Department of the Interior.

I sincerely regret that the gentleman from Oregon [Mr. HAWLEY] has offered this amendment, and I indulge the hope that he will withdraw it, for it ought not to be offered by any Member on this floor. Not only will it revive all of these claims, but if it should be adopted this bill might as well be defeated now, because the Matanuska and the Bering fields, covering all of the valuable coal in Alaska, are plastered over, every acre of them, with claims of this character, and if we are going to adopt this amendment and throw them all into litigation, no coal operator in the United States would think for one moment of leasing one acre of coal lands in Alaska.

And I want the gentlemen from Washington, both of them, who seem to favor this amendment, to consider seriously that in voting for it they are voting to bottle up Alaska a few years longer. [Applause.]

Mr. FALCONER. Mr. Chairman, I believe the amendment of the gentleman from Oregon [Mr. HAWLEY] should be defeated. Regarding the McDonald coal claim which has been referred to, I have given some consideration to the matter myself, and I believe he should be granted the title to the claims he filed on, for he surely has met the law requirements in full and is an honest man, who has spent his fortune in honest development; but I think the quickest way to get action on individual applications for title is to pass this bill, and I believe it is the sentiment of the people in the State of Washington, of the Territory of Alaska, and of the United States to give no consideration to the final settlement of any private application of any individual until the policy of the administration has been definitely stated to the country at large. I believe and I hope Mr. McDonald will get title to his claims in Alaska, and if there are any others in Alaska who have lived up to the law as he has done I think they should have title; but I think the first thing to do is to follow out the desires of the people who want this bill passed and the policy of the administration definitely settled. The law, of course, should not be retroactive in effect, and honest individuals who met the demands of the law up to the time of the withdrawal order of Mr. Roosevelt should get justice. The time has now come, Mr. Chairman, when the Government can no longer give away in unlimited areas and quantities the natural resources of the country. The public is thoroughly educated on natural-resource values. The people of the country claim a mutual interest, are demanding it, and will have it.

The gentleman from Oregon [Mr. HAWLEY] wishes to take from the Interior Department the right of decision in contest cases arising in Alaska, and takes occasion to say that he has confidence in the Federal courts. The gentleman is recognized as an able and conscientious Member of this House, and his judgment is rarely questioned, but I believe he has been misled in this matter. The history of Alaska does not substantiate his position that all men, even though they are clothed in the judicial robe, are absolutely honest. Mine-robbing Federal judges in years past in Alaska operated with a gusto that would make an ordinary highwayman ashamed of his moderation in wrongdoing. No; do not take jurisdiction in these controversies away from the Interior Department.

Mr. FERRIS. The gentleman thinks that the proviso on page 11, which leaves them in statu quo, is sufficient?

Mr. FALCONER. I think it is absolutely sufficient and the proper thing to do. And I want to say further, Mr. Chairman, that I believe many people in my State and in Alaska have the greatest degree of confidence in the present Secretary of the Interior. This is a very important subject, and one to which consideration has been given, and I think we will find, after this bill has been passed and the Secretary of the Interior has had time to operate, that the cases now in the department will have immediate consideration and with justice done.

This is one of the bills, Mr. Chairman, that has kept me here in Washington when I greatly desired to be in my State, and I am glad to see it so near favorable action by the House. We shall all be glad to have it pass, and the people of Alaska will rejoice.

Mr. HUMPHREY of Washington. Mr. Chairman, I want simply to reiterate what I said a while ago, that if this amendment in any way affects those who have had their cases disposed of, I am against it; and unless there is an amendment added to this amendment to take away any such possibility, I shall vote against it; but I am in favor of an amendment that will cause these claims to be decided in some way. And I want to say most emphatically that I have no sympathy with the sentiment that seems to prevail here that if these cases go to the courts they are going to be corruptly, or at least wrongfully, decided in favor of the claimants. I am glad to say that I have not yet reached the position where I believe the courts of this country will decide adversely to the Government when a claimant is not honestly entitled to his claim.

A moment ago, when I was stopped by the distinguished gentleman from Connecticut [Mr. DONOVAN], I was making this statement in regard to these claims. Since that time the gentleman from California [Mr. RAKER] has shown that this one claim, the McDonald claim, I presume, has been pending 15 or 16 months. It seems that Mr. Tallman had that claim that long ago. The protest I make is this: Why is it that they can not get somebody who has the courage to decide these claims? I do not know whether my information is correct or not, but as I said a while ago, it is my understanding that this administration has acted precisely as the other administration did. For 18 months this administration has refused to make a single decision in these cases. If that be true, then let us enact some legislation that will send these cases to the courts, where we can get some one who will decide them and relieve these distinguished gentlemen who happen to go into official positions and who are so afraid of public sentiment that they dare not perform the duties that the law places upon them.

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. HAWLEY. Mr. Chairman, I offered this amendment for the purpose of expediting the settlement of claims up there, claims of small individual holders who have been unable to have their claims determined, and who think they ought to be determined for or against them speedily, and it seemed to me that to give the courts of the United States the power to deal with them, with the right of appeal to the higher courts, was a reasonable solution. I have heard the statements of the gentlemen who are opposed to the amendment. I have not had time to analyze them. If there is any danger of accomplishing the things that they mention, and as it was not my intention to accomplish any such things, I therefore ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to withdraw the amendment. Is there objection?

Mr. BRYAN. Reserving the right to object, Mr. Chairman, I am glad to hear the gentleman from Oregon make that statement, which clears his record entirely in the matter, and shows his position, but I think we ought to have a vote on this amendment.

The CHAIRMAN. Debate is not in order. Debate is exhausted. Is there objection to the request of the gentleman from Oregon?

Mr. BRYAN. I object, and I want to make a statement as to why I object.

The CHAIRMAN. Debate is not in order.

Mr. BRYAN. I want to see if there is a solitary member of the Washington delegation, all five of whom are on the floor, or any other delegation here, who will vote for that amendment.

Mr. MANN. That statement is not in order.

Mr. BRYAN. Gentlemen often reserve the right to object, and then proceed to make statements.

The CHAIRMAN. The question is, Is there objection?

Mr. BRYAN. The Chair certainly heard me object. The Chair ruled that I could not make a statement. I again object.

The CHAIRMAN. The gentleman from Washington objects. The question is on the amendment of the gentleman from Oregon.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. BRYAN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes none, noes 27. Accordingly, the amendment was rejected.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent to change the numbering of section 14, to make it section 15, and then to offer a new section.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as a new section the following:

"Sec. 16. The Secretary of the Interior shall annually make report to Congress of all leases awarded under the provisions of this act in reasonable detail, and also of all leases then outstanding, and the amounts collected for the prior fiscal year on account of each lease."

Mr. TAYLOR of Colorado. Mr. Chairman, I may say that in consultation with various members of the committee and others it was deemed proper to offer that provision, and therefore I offer it, as you may say, as a committee amendment.

Mr. MONDELL. Mr. Chairman, I think the amendment offered by the gentleman from Colorado is possibly proper; I did not hear it very clearly. We are about to pass the Alaskan coal bill. We should have passed one three years ago, at least. This bill, I understand, is satisfactory to gentlemen who call themselves conservationists and who have criticized the bills heretofore presented.

I think it is proper that we should have a brief analysis, now that we are about to pass the bill, of what the bill proposes to do. It practically wipes out all claims now existing to Alaskan coal lands. It takes away the last hope of any claimant there. It authorizes the Secretary of the Interior to do practically as he sees fit, within certain broad limits, with all the coal lands in Alaska. With regard to all the coal lands, except the Matanuska and Bering fields—that is, as to all lignite coals—he is not required to advertise for bids. There is no limitation except the 2-cent royalty and the maximum acreage, nothing in the bill requiring him to give all applicants an opportunity. In fact, there is a provision that he need not do so in regard to 98 per cent of all the coal lands; that is, all the lands containing lignite.

The bill further fixes a 2-cent minimum royalty, and a provision in the bill that would have authorized the Secretary to fix a minimum above 2 cents was stricken out by vote of the committee.

As the bill now reads, the Secretary of the Interior, under this bill, may lease to Aleck Cunningham one-half of all the Cunningham coal claims at 2 per cent per ton royalty and 25 cents an acre lease. He may lease to the Guggenheims the balance of the Cunningham coal lands in the Bering River field at 2 cents per ton royalty. He must lease to these two men, if they are responsible bidders, and accept their offer of lease at 2 cents a ton, for he has no authority on his own motion to fix a higher royalty, if no one else offers more.

Of course, I do not say that this is going to occur. Oh, the anathemas that have been hurled in the past against legislation affecting these lands on the ground that such things might be done! How gentlemen, when it was good politics to do it, have opposed the most carefully drawn and guarded proposals touching these lands, and yet when the House comes to legislate we are, under conditions which might be established and are likely to be, giving two or three lessees control at a nominal royalty of all the most valuable coal land of southern Alaska.

This bill would allow such leases as I have suggested to be made, and the Secretary would, in my opinion, be compelled to make them under the provisions of the bill as it now stands, unless there was a higher bid of royalty.

Now, this may be conservation. It would be very much better for the Guggenheims, infinitely better for Aleck Cunningham, to make a lease under the minimum royalty of this bill than to own these lands, because no taxes that the Territory of Alaska would have placed on these lands, had they been purchased, would be so low in the running of the years as 2 cents a ton royalty would amount to. It may not occur, and yet it can occur, and this is the triumph, as I understand it, of conservation.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. FALCONER. Mr. Chairman, have not Members a general right to extend remarks in the RECORD on this bill?

The CHAIRMAN. That is true, under the rule.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I ask unanimous consent to return to section 8 for the purpose of offering an amendment.

Mr. HUMPHREY of Washington. Reserving the right to object, what is the amendment?

Mr. THOMSON of Illinois. The amendment is simply to change the wording in line 10 of that section.

Mr. HUMPHREY of Washington. If it is to perfect the text, I have no objection.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 8 for the purpose of offering an amendment.

Mr. MANN. What is the amendment?

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Amend, page 8, line 10, by striking out the entire line and inserting in lieu thereof the following:

"A specified tract, not to exceed 10 acres."

Mr. MANN. I object.

Mr. THOMSON of Illinois. There is one other amendment. The Clerk read as follows:

Amend, page 8, line 14, by inserting, after the word "Provided," the following:

"That not more than one such limited license or permit shall be issued to any single applicant hereunder: And provided further."

The CHAIRMAN. Is there objection to returning to section 8 for the purpose of offering the amendment?

Mr. MANN. I have no objection to returning for the purpose of offering the last amendment read.

The CHAIRMAN. The question is on the amendment last reported by the Clerk.

The question was taken, and the amendment was agreed to.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and the bill pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14233) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FERRIS. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 57 minutes p. m.) the House, under the order previously agreed to, adjourned until Tuesday, September 8, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13029) for the relief of John L. Maille, reported the same with amendment, accompanied by a report (No. 1143), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11839) granting an honorable discharge to William Ham, reported the same with amendment, accompanied by a

report (No. 1144), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13756) for the relief of Augustus Dudley Hubbell, reported the same with amendment, accompanied by a report (No. 1145), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12369) for the relief of John Healy, reported the same with amendment, accompanied by a report (No. 1146), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSTER: Joint resolution (H. J. Res. 335) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved July 21, 1914; to the Committee on Invalid Pensions.

By Mr. HOWARD: Joint resolution (H. J. Res. 336) suspending the collection of duty on wheat imported into this country; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COADY: A bill (H. R. 18676) granting an increase of pension to Harlow B. Elliott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18677) granting an increase of pension to William J. Knight; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 18678) authorizing the Secretary of the Treasury to make refund in certain cases of sums of money paid in settlement of income-tax penalties in excess of existing regulations; to the Committee on Claims.

By Mr. DOOLITTLE: A bill (H. R. 18679) granting an increase of pension to Joseph Gray; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 18680) granting an increase of pension to Catherine Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18681) granting an increase of pension to Mary M. Stone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of the International Union of Journeymen Horseshoers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Stationers Association of New York, favoring the passage of the Stevens standard-price bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petition of 60 citizens of Danbury, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petitions of the New York State Council and Local Union No. 639, of Brooklyn, United Brotherhood of Carpenters and Joiners of America, protesting against the high cost of living; to the Committee on the Judiciary.

By Mr. HOLLAND: Petitions of R. T. Vaughn, George W. Gray, B. H. Delk, J. T. Knight, T. J. Chapman, R. W. Remick, F. W. Rose, and other citizens of the counties of Southampton and Isle of Wight, Va., relative to rural credits; to the Committee on Banking and Currency.

By Mr. LEWIS of Maryland: Petition of the Emory Grove Camp Meeting, of Emory Grove, Md., for the passage of the House joint resolution 168; to the Committee on Rules.

Also, petition of the W. C. P. N. of Feagaville, Md., for the passage of the House joint resolution to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LIEB: Petitions of L. Bohry, Henry J. Wolf, August Klingemaier, August Haller, H. A. Wimbeg, John Zueschel, Peter Dewes, Robert Schofield, George Toren, Henry Grimm, Carl Finnberg, Richard Miller, Henry Egli, J. A. Drahelm, George Horn, J. T. Minnett, H. C. L. Krach, George Maler, Henry Grimm, John Zueschel, Louis Rohry, John Fix, J. H. Scholmbachler, Edwin Potter, W. A. Eaty, F. Reisinger, George Hutzman, Simon Bartholome, Pete Heitman, Philip Schrock, C. F. Miller, P. H. Carroll, Charles E. Inco, Eugene Walker, J. J.

Roehrig, H. Watkins, E. B. Alderlat, W. E. Williams, J. W. Bacon, G. Jefferies, S. White, E. J. Johnson, William Fisher, W. C. Hafendorfer, John Roberson, H. J. Cullars, Adam Kiras, Jacob Wriner, Richard Peake, Walter Kern, E. H. R. Epicuv, Fred Johnson, W. M. Boner, M. Long, O. B. Foyle, Mike Cohn, W. B. Kerner, J. F. Which, B. F. Lockport, C. Ferguson, R. Dickerson, Ernest Bryant, W. Kelly, E. W. Blerld, C. H. Southgate, Eugene Kelly, A. J. Haney, E. F. Dloren, N. S. Mitchell, Len Bickel, Samuel Woosley, Dan Martin, R. E. Tmrie, Ray Summers, E. G. Wendholt, F. W. Higgins, J. E. Bowman, J. H. Climens, George Reells, Kennedy & McDonald, Kirk Oldham, L. R. Collier, J. W. Pfisterer, G. H. Hoker, Gus Schafer, Joe Schmautz, Phil. Maler, John Stockley, J. J. Bryan, Oscar Hufuagel, John Jack, William Hughes, H. Rosentahl, C. Harris, L. Fash, George Fruend, H. H. Angel, J. B. Becker, T. J. Baar, William Kamm, W. F. O'Brian, E. Rouke, William Rus, William Kaiser, W. F. Holzgrafi, A. Kasper, Robert Beck, Henry H. Kratz, B. H. Diedrich, Ed. Scherrer, and Peter Egli, all of Evansville, Ind.; Felix Bettag, William Herr, A. Yelling, William Bredhold, Peter Horlander, John Brenner, Frank Stallman, Fred Bocketing, Andy Babbach, Lawrence Grindhoefer, Eugene Grundhoefer, George Horlander, George Roon, Henry Singer, Frank Piforlander, Paul Ender, J. R. Danmhaner, Adam Grundhoefer, Frank P. Dilger, M. Hollander, J. C. Harfurther, Adam Nord, John Jackson, Frank Sogel, Joseph Jellig, Frank Arnold, and J. H. Hollander, all of Mariah Hill, Ind.; and John A. Emmert and O. J. Emmert, of Haubstadt, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Socialist Party of Hartford, Conn., protesting against the removal of Federal troops from the strike region in Colorado prior to settlement of the strike; to the Committee on Mines and Mining.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the Verein Eintracht, of San Francisco, Cal., favoring the passage of the Hamill bill (H. R. 5139), for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WATSON: Petition of sundry citizens of Greensville County, Va., relative to a personal rural-credit system; to the Committee on Banking and Currency.

SENATE.

TUESDAY, September 8, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada [Mr. NEWLANDS] to proceed to the consideration of the conference report on the bill (H. R. 15613) to create a Federal trade commission, to define its powers and duties, and for other purposes. When the Senate recessed there was the absence of a quorum. The Chair orders the roll to be called.

Mr. LEWIS. May I be permitted to say I understand from the Senator from Nevada his request was to withdraw his motion to proceed to the consideration of the conference report?

The VICE PRESIDENT. The Senator is permitted to say that, but there was no quorum voting on the motion of the Senator from Nevada.

Mr. GALLINGER. I objected to the withdrawal of the motion to proceed with the report and the roll was called on the motion, and it developed that there was not a quorum present. I suppose the calling of the roll will be in order this morning.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	O'Gorman	Smoot
Bankhead	Gallinger	Perkins	Sterling
Brady	Jones	Pittman	Swanson
Bryan	Kenyon	Poinexter	Thomas
Burton	Lane	Ransdell	Thompson
Chamberlain	Lewis	Reed	Thornton
Chilton	McCumber	Robinson	Vardaman
Copp	Martine, N. J.	Shafroth	Walsh
Crawford	Myers	Sheppard	West
Culberson	Newlands	Simmons	White
Fall	Norris	Smith, Ga.	Williams

Mr. LEWIS. I desire to announce the absence of the Senator from Indiana [Mr. KERN], caused by illness in his family.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in